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REMAINS

Historical and Literary

CONNECTED WITH THE PALATINE COUNTIES OF

Lancaster and Chester

VOLUME 109—NEW SERIES

MANCHESTER:

Printed for the Chetham Society

1945

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CHETHAM MISCELLANIES

NEW SERIES. VOL. VIII

CONTAINING

IN MEMORY OF JAMES TAIT.

CENTENARY OF THE CHETHAM SOCIETY (1843–1943).

THE ROYAL AND SEIGNORIAL BAILIFFS OF LANCASHIRE.

THE RIBBLE SALMON FISHERIES.

SIR ROGER BRADSHAIGH OF HAIGH, KNIGHT AND BARONET, 1628–1684, WITH NOTES OF HIS IMMEDIATE FORBEARS.

IN MEMORY OF JAMES TAIT

Professor James Tait, President of the Chetham Society (1915-25) and a member of its Council for more than forty years, died at Wilmslow on July 4th, 1944, at the age of 82. If his undergraduate career at Manchester and Oxford is set aside as merely a period of preparation, there is still left nearly sixty years of working life. For more than half of this period he was also a busy teacher and professor of history at Manchester University; but from first to last his deepest interest lay in the pursuit of historical research and the volume of his original work was almost constant throughout the whole period. A man of international reputation many years before his death, his services to the Society were such as to form a landmark in its history. His last contribution to the New Series is dated as late as February, 1944, but to his many friends the shock of his sudden death was tempered by the knowledge that he died in a night, his eye undimmed and his natural force unabated.

The history of the Chetham Society was sketched by Tait himself in *The Chetham Society, a Retrospect* (1939). Always a practical man, he there recorded the contribution of individual editors to the Society and the services of its Presidents. The big names stand out, and the thing is so skilfully done that only a careful reader will detect the total omission of his own. It may therefore be useful as a footnote to the *Retrospect* to state baldly what the Society owes to him. In addition to his services on the Council and as President, Tait was entirely responsible for five full volumes in the New Series and contributed to as many more. Nor is it invidious in all this output to call special attention to the *Domesday Survey of Cheshire* (1916) and the *Chartulary of Chester Abbey* (two volumes, 1920, 1923). Both are masterly studies of first importance for English medieval history and mark the point at which the common distinction between local and central history becomes almost meaningless. Thus, whether by tail or weight, Tait's contribution to the Society is probably unsurpassed. It is also the best example of that transition from the gifted amateur to academic professionalism, which he himself traces in the *Retrospect*. Moreover, the production of these volumes fell chiefly within the years of his Presidency (1915-25), so that the larger part of perhaps the best ten years of this great scholar's life was devoted to the Society.

All these books, indeed all his work, bear the same marks—sound learning, deep distrust of loose theorizing and a most exacting standard of historical accuracy and judgement. For Tait, truth was stranger than fiction, but he never forgot that it was also much more complicated and did not really point any morals. If he was rarely "popular" in his writing, it was because he was not ready to dilute the truth. The

extreme complexity of the historical process—the causes of things as well as their results—is the constant preoccupation of his own books, of his correspondence (for to younger scholars he supplied, as it were, " a free advisory service ") and his now famous reviews for the *English Historical Review*. In all this he was " just English ", a scholar in the old tradition of Thomas Madox, Joseph Hunter and W. H. Stevenson. He has been described as a " local historian " and this is true in the sense that for him there could be no final count or last analysis of English medieval history which ignored any of the widely dispersed local evidence. It was, of course, a counsel of perfection, but, on the other hand, his own knowledge was prodigious. The extraordinary thing is that against a man who worked so finely and exactly the charge was never brought of not seeing the wood for the trees.

Much of his peculiar strength as an historian lay in just this insatiable curiosity regarding local institutions and regional differences ; and this in turn grew out of his strong attachment to Manchester, where he was born, and to the neighbouring counties of Lancashire and Cheshire. The whole of his life was spent in or near Manchester : he made a considerable contribution to the *Victoria County History of Lancashire* and what is perhaps his best book was concerned with the early history of both the city and the county. As a matter of fact his father came from the Lowlands of Scotland, but Tait's loyalty was wholly rooted in Manchester and its neighbourhood.

There is little need to stress the personal characteristics of one who was locally so well known. He was the best of friends, naturally shunning too great intimacies and always giving so much more than he demanded. He was a good host, meeting all men gravely and on the level : and I may add children too, for he was a frequent and welcome guest in the houses of his married friends. His oldest and closest friendship was reserved for Edward Fiddes, another Scot who did much for Manchester and whom Manchester characteristically absorbed. His enthusiasm for his subject was inexhaustible and I shall always recall a Domesday evening in his lodgings at Fallowfield which was only terminated in the small hours of the morning when the last bit of guttering candle gave out and so made it impossible any longer to read the pages. It was the genesis, if I remember rightly, of his paper on the earliest " original Charter " of William the Conqueror of which he ingeniously proved the spuriousness ! A crowd of fellow historians remember gratefully a master who helped them so ungrudgingly, and a still wider circle regret the passing of a dependable, kindly and public-spirited man who gave new lustre to this Society and to the University, both of which he served so well.

V. H. GALBRAITH.

CENTENARY OF THE CHETHAM SOCIETY (1843–1943)

One evening in January 1843 a little group of leading Manchester men interested in literature and local history met at the hospitable dinner-table of James Crossley, a solicitor in the town, and decided to form a new society. Several of them were members of the older Literary and Philosophical Society, the first part of whose title had not yet become meaningless, but the diners had aspirations to something more than the reading and publication of papers, namely, the printing of " Remains Historical and Literary connected with the Palatine Counties of Lancaster and Chester ". In this definition of the scope of their proposed new society they betrayed indebtedness to the example of the Surtees Society founded some years earlier " for the publication of MSS. relating to the region of North England corresponding to the old kingdom of Northumbria. Whether they knew it or not, the two regions overlapped, but so far as I know, this has never led to friction between the two societies.

As may be surmised, Crossley, the host at this fateful dinner, was the active spirit in the formation of the new society. He was a Yorkshire man, born at Halifax in 1800, but his father had come from Lancashire. The elder Crossley had a good library, and the son's literary tastes were further fostered by the well-known Halifax bookseller and binder, Thomas Edwards. From 1820 onwards he contributed literary articles to *Blackwood's Magazine* and the *Retrospective Review*. Several of these were on Sir Thomas Browne, a complete edition of whose works he projected but was anticipated by that of Wilkin (1835). He had got his first legal training in the Manchester office of the father of William Harrison Ainsworth, the novelist, whose literary mentor he is said to have become. It is a little difficult to imagine the student of the poetry of Sidney and the prose of the author of *Religio Medici* as inspirer of Jack Sheppard !

Crossley was the brightest spirit of a distinguished generation which cleared Manchester of the imputation of being a mere town of money-grubbers. Its one genius, John Dalton, was nearing his end, dying in 1844. Its wealthier citizens had begun to move out to new suburbs, such as Ardwick Green. John Owens lived in what is now Nelson Street, riding into Manchester daily, and Crossley himself at Cheetwood, but these retreats were not remote enough to break up the compact intellectual society which had its centre in Mosley Street, where some of them still lived. Music and drama were housed in concert hall and theatre, art in the Royal Institution, now the City Art Gallery, literature in Chetham's ancient Library, open to all, and the modern Portico subscription Library. The Manchester Academy, an unendowed

precursor of the Owens College, had recently returned to its earlier home from York. The Fellows of the Collegiate Church, soon to become a cathedral, included the first vice-president of the Chetham Society.

The society was brought into existence at a public meeting, held in the fine old reading-room of the Chetham Library, on 23 March, 1843. After a general approval of the suggested society, the first business was to approve the rules constituting it and providing for its working. There can be few societies, if any, which have been carried on so long with so few rules. There were only seven, and these were later reduced to six by the abolition of the life-membership subscription. That these, with a liberal interpretation in two cases, still remain in force seems good evidence of the peaceable disposition of our local antiquaries and historians. The number of members was limited to 350, and these were obtained without difficulty, leaving a waiting list of 20. Such eagerness sounds miraculous in these days of multitudinous societies and library membership which makes their publications accessible gratis to anyone interested in their subjects.

Not that all the 350 were ardent local antiquaries. In the smaller but more socially compact Manchester of a century ago, everybody who was somebody, or wished to be thought such, hastened to join. The member who on opening a volume exclaimed " What in the world do they mean by printing such stuff as this " was doubtless not in a minority of one.

As an important local event the opening meetings of the society were voluminously reported and so for many years were its annual general meetings, though within my memory these reports have dwindled and finally ceased altogether.

These early reports to some extent make up for the loss of the minute books down to 1882, which must be attributed to the fact that the society has never had a permanent home of its own. Its name has indeed created a popular impression that the Chetham Hospital is its home, but though the constitutive meeting was held there it did not meet there again and regularly until in 1866, after various changes of venue, the feoffees of the Hospital began their excellent custom of granting it the use of two rooms for its annual meetings. As the war has temporarily put an end to this privilege the society is fortunate in the hospitality of another of the great libraries of Manchester. Its archives are housed, if that is not too large a term, in a very portable tin box which is passed on from one secretary to another. Without the slightest reflection on a worthy class, I may note that a manuscript known to have been presented to the Society is not now in that box. The stock of volumes has always been left in the custody of the printer or publisher.

The first two volumes, *The Travels of Sir William Brereton*, the Parliamentary commander, and *Military Tracts of the Civil Wars* were well chosen to avoid frightening the weaker members, and their editors, Edward Hawkins, the numismatist, and George Ormerod, the historian

of Cheshire, had more than a local reputation. For the rest, the group of editors whom Crossley gathered round him, only occasionally varied by an outsider, as once by that assiduous, but hardly ideal editor of old authors, Alex. B. Grosart, were unknown beyond the two counties, antiquaries of the old type who cultivated local history and literature as relaxation from their ordinary employments, professional, business or other. A surprisingly large number of them found their way into the *Dictionary of National Biography*, but the fact that their biographer was C. W. Sutton, chief librarian of Manchester and secretary of the Society 1890–1920, may have counted for something. Crossley's most active helpers were the Rev. F. R. Raines, perpetual curate of Milnrow, and canon of Manchester, who was responsible for seventeen volumes, and John Harland, a reporter on the *Manchester Guardian*, who contributed fourteen. We owe a debt of gratitude to these and other enthusiastic workers who, though falling short of modern standards of transcription and interpretation, have preserved a wide variety of local records which might otherwise have been lost to us. Canon Parkinson, the first vice-president, by his editions of the autobiographies of Adam Martindale and Henry Newcome, initiated a closer study of seventeenth-century nonconformity. The bibliographical and descriptive catalogue of the Rev. Thos. Corser's magnificent library of early English poetry is still a standard work of reference for students of the subject.

Crossley was less productive than Raines and Harland and was occasionally twitted about a volume which had been on the programme for nearly thirty years, but against this must be set the fact that he read the proofs of over a hundred volumes.

Time wore on ; his most energetic editors died ; they were difficult to replace ; in the 39th year of the society (1881–2) Crossley himself was in his 82nd year and, though he was accustomed to attribute his long life to its guidance, he doubted whether without it the Society could continue when he was gone. Five volumes, besides the second volume of general index, were in arrear and the older members agreed with the president that the time had come to wind the society up. From this fate it was saved by the determination and energy of Richard Copley Christie, a former professor of Owens College, now a leading member of its governing body and chancellor of the diocese of Manchester. Fifty-two years of age, he had not been an active member of the society hitherto, but supported by the younger men, especially the ablest of the few recent recruits, John Eglington Bailey, the biographer of Thomas Fuller of the *Worthies*, he secured a decision to go on and start a new series. The vice-president, Beamont, who was about 90, and the secretary, R. H. Wood, resigned, but some continuity was preserved by Crossley's agreeing to remain president, Christie becoming vice-president and Bailey secretary.

The aged president, however did not long survive, dying on 1 August, 1883, partly as the result of an accident. A man of outstanding physique

and character, but, though conservative in all things, genial and conciliatory, he devoted forty years of his life mainly to the society of which he was the life and soul. Even the building up of his vast library, variously estimated at 90,000 or 100,000 volumes, was a secondary and contributory interest. A newspaper report of one of the society's meetings has preserved Canon Raines's testimony to his geniality and tact in dealing with his editors. He was, Raines said, the very reverse of the general editor, who is reported to have declared: "I'd sooner drive a team of tigers than a team of editors." On another occasion, when the overworked Raines himself, being put down by the president for a further two volumes, protested that "he ought to rest a while", Crossley merrily retorted that "the only respite that could be allowed Canon Raines was from one kind of work to another".

I suppose that I am the only member of the society who saw him in the flesh, though *tantum vidi*. In his later years we lived in the same part of Manchester and I can still recall, as vividly as if it were yesterday, his massive proportions and rosy benevolent face, and have come to regard these passing glimpses as a sort of personal link with the foundation of the society. Little did I think then that more than thirty years later I should be occupying the presidential chair which he had occupied so much more magisterially and, I may add, fully.

Christie, of course, succeeded him, and Stubbs, the historian, then Bishop of Chester, became a practically honorary vice-president. It was due to Christie's driving force and personal participation that the heavy task of simultaneously wiping out the arrears of the old series and providing the early volumes of the new was completed by 1888. There seems no doubt that but for him the society would have come to an end in 1882, and we should not be celebrating its centenary to-day. Christie may fairly be regarded as its second founder.

As only three of the Old Series editors continued to work for the new, fresh blood had to be infused. Among the new were the versatile Henry Howorth, not yet knighted, whose range extended from the Mammoth and the Mongols to the Early English Church, and J. P. Earwaker, Ormerod's successor as historian of Cheshire. More important for the future of the society was the connexion now first established, through the new president, with the Owens College, just recently promoted to university rank. The accession as members of the Principal, Dr. Greenwood, and of Professors Ward and Toller, the two latter becoming editors, and rather later of Professor Tout, opened the door to a succession of some of their promising pupils. Of the first 44 volumes members of the College contributed one-fourth. This proportion was not, however, maintained in the years that followed. The supply of editors of the older type showed as yet no obvious signs of failing, and they included one of quite exceptional quality, Dr. William Farrer, the senior editor of the *Victoria History of Lancashire*, which placed the study of local history in the county on a new footing.

When, moreover, Christie migrated to London and his successor, Dr. Ward to Cambridge, the selection of editors was left to the honorary secretary, Sutton, who naturally went to those local antiquaries with whom he was already in touch. But they were elderly men like himself, and by the time of his breakdown in health and Dr. Ward's resignation in 1914, it had become plain that the social and economic changes which had reduced our personal members to about 70 had almost dried up the source which had yielded this useful class of studious men. Colonel John Parker, who became president in 1925, was then nearly 70, and of the recruits he enlisted as editors, one ,Colonel Chippindall, was many years his senior, and another, Mr. Trappes Lomax, died prematurely. On Colonel Parker's death in 1937 the presidency was offered to Mr. Ronald Stewart-Brown, who had done more than any other one man to elucidate the most troublesome problems of Cheshire history. He at first accepted, but finally withdrew his acceptance, wisely, as he died not long after. With the election of Dr. Jacob, the professor of medieval history in Manchester University, as president, and Dr. Tupling, its lecturer in local history, as vice-president, the connexion of the society with the University became closer than even in Christie's and Ward's times. The office of secretary has now been held by members of the University for more than twenty years. Only the treasurership has escaped this peaceful penetration.

This gradual growth of an academic connexion, coinciding with a general extension of interest to wider aspects of local history than used to be considered the proper subjects of such societies as this, has left its mark upon its more recent publications. Room has been found, to take only three instances, for monographs on the economic history of the two counties, for the development of their cartography and, in the case of Lancashire, for the scientific elucidation of its place-names, as throwing new light upon the earliest and most obscure period of its history.

Another new development has been the acceptance of non-members as editors or contributors of suitable studies. For this a precedent was set at the very beginning of the New Series, when an outside expert was called in for one volume to lighten the stress of overtaking the arrears of the Old Series coincidentally with the provision of new volumes. Later on Dr. Farrer was empowered to entrust the editing of the second half of the *Coucher Book of Furness Abbey* to Mr. John Brownbill, his co-editor on the *Victoria History of Lancashire*, and the society secured the credit of publishing the critical study of the *Place-Names of Lancashire* by the Swedish professor Ekwall, who has since so greatly extended his reputation in this country.

Some of the best work we have issued to members of late years has been contributed by history graduates of Manchester and Liverpool, in the latter case in return for some contribution to the cost of printing. This was so considerable in one instance, the second part of which is

now in the press, that following the precedent of joint publication by some other societies, the name of the Liverpool School of Local History appears with that of our society on the title-pages.

These occasional additions to its income are welcome in view of the steady decrease of its private membership, which indeed, would long ago have compelled it to close down, but for the admission of library members, who now form a considerable majority of the subscribers, but do not now show much tendency to increase. In 1895 the total number of members was 246, of which 62 were libraries. The corresponding figures are now rather less than 200 and 120. The library members, I may add, include not only most of the chief libraries of this country, but an impressive number of the greater libraries of the Continent and America.

In the past the society has benefited more than once by the generosity of wealthy members. The seventh Duke of Devonshire defrayed the whole cost of printing the first half of the *Coucher Book of Furness Abbey*, and when the second half, which had fallen into private hands and been sold to the Prussian Government, was recovered for the British Museum, Dr. Farrer followed his example.

Any attempt to give even a cursory summary of the wealth of material for the history of the two palatine counties contained in the 220 volumes of the two series is out of the question, but a few categories may be singled out :

(1) A full edition of the Domesday Survey of Cheshire.

(2) The chartularies or other collections of the monastic charters of Furness, Whalley, Cockersand and Lancaster in Lancashire and Stanlaw and St. Werburgh's Chester in Cheshire. The charters of Lytham Priory only await an editor, and the last unprinted chartulary, that of Burscough Priory, is in the possession of the Liverpool School of Local History and it is permissible to hope that some day it may come under our new experiment of joint publication. Other monastic documents have been printed, either in volume form or in miscellany volumes.

(3) Biographies of the knights and (in part) burgesses representing Lancashire in Parliament from 1290 to 1550.

(4) Judicial records : the earliest Lancashire plea roll ; the Lancashire pleas of *quo warranto* ; the Act Book of the ecclesiastical Court of Whalley Abbey ; a Calendar of County Court, City Court and Eyre rolls of the palatinate of Chester, 1259–97.

(5) Municipal : All the surviving portmoot records of Salford ; histories and records of Manchester and Lancaster.

(6) Schools. The admission register of the Manchester Grammar School ; histories and records of Blackburn and Clitheroe Grammar Schools.

(7) The Place-Names of Lancashire.

(8) Diaries and autobiographies. A wide variety, including part of

those of the famous Dr. John Dee, the astrologer who was warden of the Collegiate Church of Manchester, *t.* Eliz.

(9) Economic History. Cheshire in the fourteenth century, Rossendale, Rochdale 1626, South-west Lancashire.

(10) Maps. Descriptive lists of maps of Lancashire and Cheshire, 1577–1900.

So far as befits an occasion like this, we have been taking glimpses of the society's past, looking back over the hundred years which separate us from an earlier Manchester and an earlier England. But what of its future. Comparison of the present position of the society with its situation some sixty years ago, when the first series of its publications was wound up, is certainly fraught with encouragement. We have our own difficulties and problems, but we are passing through no such acute crisis as was experienced by our predecessors in 1881–2. Our Council, though it is not free from elderly members, *quorum pars*, contains no defeatists and is comparatively young and energetic. We have no such daunting arrears of publication to face as the pioneers of the New Series had, though it must be admitted that the war-time ration of one volume a year has made it easier to keep up to date. The two volumes which have been specially arranged for this centenary year are both in the press, and there is plenty of material for others. The society has a useful financial reserve and, taking everything into consideration, there seems no reason why it should not continue to render for an indefinite period those services to knowledge and culture which have borne it intact to the completion of the hundredth year of its existence.[1]

J. T.

[1] Read at the John Rylands Library, Manchester, on the occasion of the Celebration of the Centenary of the Society, May 25th, 1943. A more detailed account, "The Chetham Society: a Retrospect", was printed in *Chetham Miscellanies*, New Series, Vol. VII (1939), the hundredth volume of the series.

The Royal and Seignorial Bailiffs of Lancashire in the Thirteenth and Fourteenth Centuries

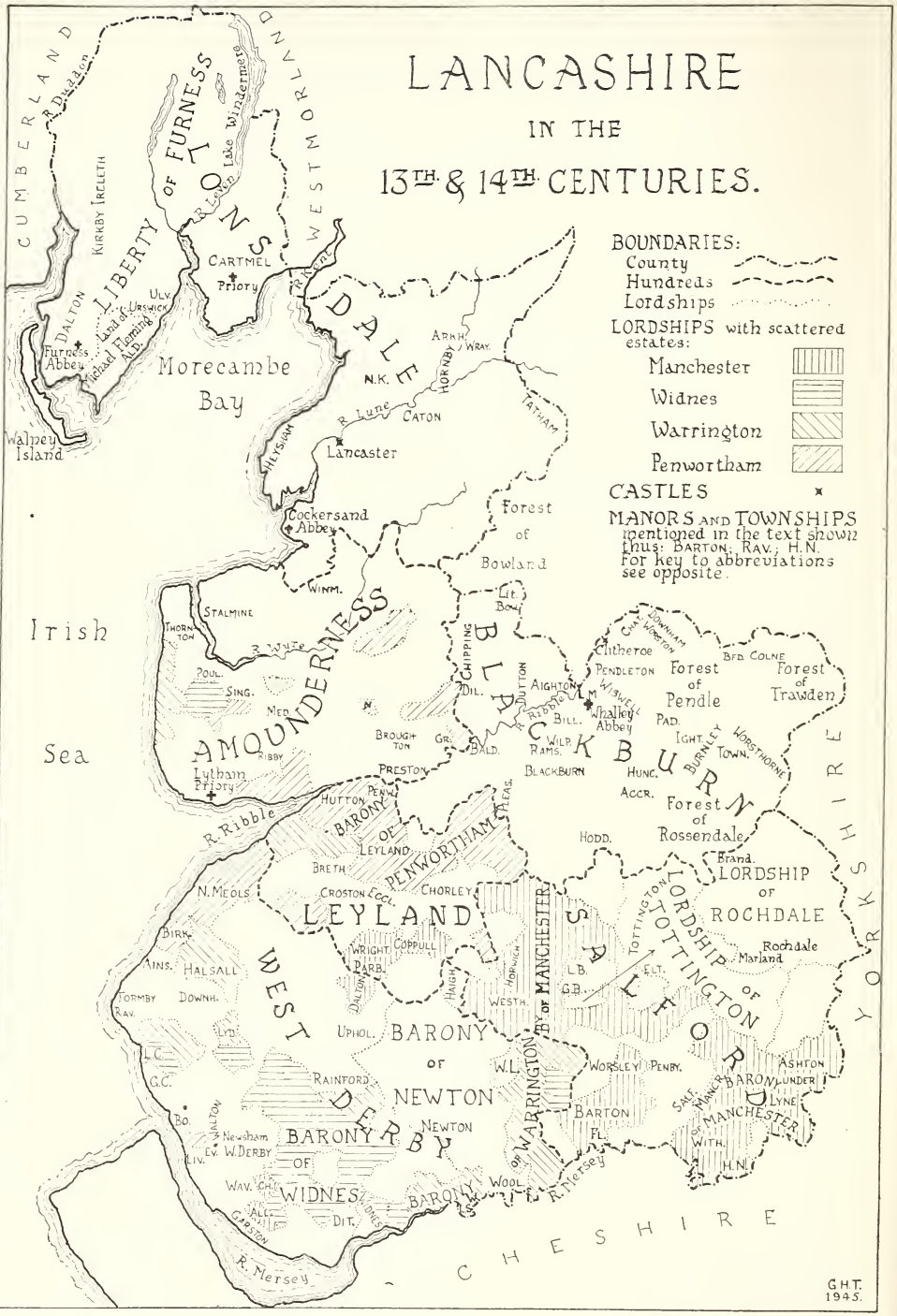
BY

G. H. TUPLING, M.A., PH.D.

MANCHESTER:

PRINTED FOR THE CHETHAM SOCIETY

1945


LANCASHIRE
IN THE
13TH & 14TH CENTURIES.
BOUNDARIES:
County
Hundreds
Lordships
LORDSHIPS with scattered estates:
Manchester
Widnes
Warrington
Penwortham
CASTLES
MANORS AND TOWNSHIPS mentioned in the text shown thus: BARTON. RAV.; H.N. For key to abbreviations see opposite.
CUMBERLAND
WESTMORLAND
YORKSHIRE
CHESHIRE
Irish Sea
Morecambe Bay
LIBERTY of FURNESS
LONSDALE
AMOUNDERNESS
BLACKBURN
Forest of Bowland
Forest of Pendle
Forest of Trawden
Forest of Rossendale
LEYLAND
BARONY of PENWORTHAM
BARONY of NEWTON
BARONY of WIDNES
LORDSHIP of ROCHDALE
LORDSHIP of TOTTINGTON
SALFORD HUNDRED
WEST DERBY HUNDRED
WARRINGTON HUNDRED
Lancaster
Cockersand Abbey
Furness Abbey
Cartmel Priory
Lytham Priory
Whalley Abbey
Preston
Blackburn
Clitheroe
Pendleton
Aighton
Dutton
Chipping
Ribchester
Wiswell
Bill.
Pad.
Ight.
Burnley
Worsthorne
Town.
Hunc.
Accr.
Hodd.
Brand.
Rochdale
Marland
Tottington
Lb.
Elt.
Gb.
Barton
Pl.
Worsley
Penby.
Ashton under Lyne
Salf.
Manch.
With.
H.N.
Wool.
Dits.
Dit.
All.
Gapston
Uphol.
Rainford
Newton
Newham
Ew.
W. Derby
Liv.
Wav.
Ch.
Bo.
Walton
Lvn.
L.C.
G.C.
Formby
Rav.
Birk.
Ains.
Halsall
Downh.
N. Meols
Croston
Eccl.
Chorley
Breth.
Hutton
Pen.
Leyland
Wright
Coppull
Rarb.
Dalton
Haigh
Hornch.
Westh.
Lb.
Gb.
Elt.
Tottington
Rochdale
Marland
Ashton under Lyne
Salf.
Manch.
With.
H.N.
Barton
Pl.
Worsley
Penby.
Warrington
Hy. of Manchester
R. Mersey
R. Ribble
R. Wyre
R. Lune
R. Kent
R. Duddon
Lake Windermere
Walney Island
Furness Abbey
Dalton
Kirkby Irelleth
Ulv.
Ursewick
Land of Michael Fleming Alb.
Cartmel Priory
Arkh.
Wray
Hornby
Tatham
Caton
Hulsham
Winm.
Stalmine
Thornton
Poul.
Sing.
Med.
Brough ton
Gr.
Bald.
Wilp.
Rams.
Ribby
Lytham Priory
Hutton
Pen.
Leyland
Penwortham
Teias.
Lit. Boy.
Chipping
Dutton
Ribchester
Wiswell
Whalley Abbey
Bill.
Pad.
Ight.
Burnley
Worsthorne
Town.
Hunc.
Accr.
Hodd.
Brand.
Rochdale
Marland
Tottington
Lb.
Elt.
Gb.
Barton
Pl.
Worsley
Penby.
Ashton under Lyne
Salf.
Manch.
With.
H.N.
Wool.
Dits.
Dit.
All.
Gapston
Uphol.
Rainford
Newton
Newham
Ew.
W. Derby
Liv.
Wav.
Ch.
Bo.
Walton
Lvn.
L.C.
G.C.
Formby
Rav.
Birk.
Ains.
Halsall
Downh.
N. Meols
Croston
Eccl.
Chorley
Breth.

MAP OF LANCASHIRE

Key to Abbreviations

Accr.	Accrington
Ains.	Ainsdale
All.	Allerton
Arkh.	Arkholme
Bald.	Balderston
Bfd .	Barrowford
Bill.	Billington
Birk.	Birkdale
Bo.	Bootle
Brand.	Brandwood
Breth.	Bretherton
Ch.	Childwall
Chat.	Chatburn
Dil.	Dilworth
Dit.	Ditton
Downh.	Downholland
Eccl.	Eccleston
Elt.	Elton
Ev.	Everton
Fl.	Flixton
G.B.	Great Bolton
G.C.	Great Crosby
Gr.	Grimsargh
Hodd.	Hoddlesden
H.N.	Heaton Norris
Hunc.	Huncoat
Ight.	Ightenhill
L.B.	Little Bolton
L.C.	Little Crosby
Lit. Bow.	Little Bowland
Liv.	Liverpool
L.M.	Little Mitton
L.S.	Little Sankey
Lyd.	Lydiate
Mancr.	Manchester
Med.	Medlar
N.	Newsham in Amounderness
Pad.	Padiham
Parb.	Parbold
Penby.	Pendlebury
Penw.	Penwortham
Pleas.	Pleasington
Poul.	Little Poulton
Rams.	Ramsgreave
Rav.	Ravensmeols
Salf.	Salford
Sing.	Little Singleton
Town.	Towneley
Ulv.	Ulverston
Uuhol.	Upholland
W.	Warrington
Wav.	Wavertree
Westh.	Westhoughton
Wilp.	Wilpshire
Winm.	Winmarleigh
With.	Withington
W.L.	West Leigh
Wool.	Woolston
Wray.	Wrayton
Wright.	Wrightington

The author wishes to express his gratitude to Dr. E. F. Jacob, President of the Society, for valuable help and encouragement in the preparation of this monograph; and to Mr. H. M. McKechnie, the Secretary of the Manchester University Press, for his services in seeing the essay through the press.

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ABBREVIATIONS

Abbrev. Plac.	*Placitorum Abbreviatio* (Record Commission).
Ass. R.	Assize Rolls (Farrer Transcripts, Manchester Central Library).
Beaumont, *Annals*	W. Beaumont, *Annals of the Lords of Warrington* (Chetham Society, LXXXVI, LXXXVII).
Beaumont, *Halton Records*	W. Beaumont, *Records of the Honour of Halton.*
Byron Cartul.	Towneley MSS., Byron Cartulary (Manchester Central Library).
Cal. Chart. R.	*Calendar of the Charter Rolls.*
Cal. Close R.	*Calendar of the Close Rolls.*
Cal. Fine R.	*Calendar of the Fine Rolls.*
Cal. Inquis.	*Calendar of Inquisitions post Mortem and other Analogous Documents.*
Cal. Pat. R.	*Calendar of the Patent Rolls.*
Cal. Misc. Inquis.	*Calendar of Inquisitions Miscellaneous.*
Cal. Rot. Chart.	*Calendarium Rotulorum Chartarum* (Record Commission).
Cam, *Studies*	Miss H. M. Cam, *Studies in the Hundred Rolls* (Oxford Studies in Social and Legal History, VII).
Clith. Ct. R.	W. Farrer, *Court Rolls of the Honour of Clitheroe.*
Cockersand Chart.	*Chartulary of Cockersand Abbey* (Chetham Society, New Series, 38, 39).
Coram Rege R.	Coram Rege Rolls (Farrer Transcripts, Manchester Central Library; Photostat of Roll No. 254 in Wigan Public Library).
Curia Regis R.	Curia Regis Rolls (Farrer Transcripts).
De Banco R.	De Banco Rolls (Farrer Transcripts).
De Lacy Compoti	*Two Compoti of the Lancashire and Cheshire Manors of Henry, Earl of Lincoln, XXIV and XXXIII Edward I* (Chetham Society, XCII).
D.K. Rept.	*Annual Report of the Deputy Keeper of the Public Records.*
D.L. Mins. Accts.	Duchy of Lancaster Ministers' Accounts (Farrer Transcripts).
Dy. Lanc. Ass. R.	Duchy of Lancaster Assize Rolls (Farrer Transcripts).
E.H.R.	*English Historical Review.*
Furness Coucher	*Coucher Book of Furness Abbey* (Chetham Society, New Series, 9, 11, 14, 74, 76, 78).

Harland, *Mamecestre*	J. Harland, *Mamecestre* (Chetham Society, LIII, LVI, LVIII).
L. & C. Hist. Soc. N.S.	*Transactions of the Historic Society of Lancashire and Cheshire, New Series.*
Lanc. Pal. Plea R.	*Plea Rolls of the County Palatine of Lancaster. Roll I.* (Chetham Society, New Series, 87).
Lancs. Ass. R.	*Calendar of the Lancashire Assize Rolls* (Record Society of Lancashire and Cheshire, 47, 49).
Lancs. Ct. R.	*Some Court Rolls of the Lordships, Wapentakes and Demesne Manors of Thomas, Earl of Lancaster, in the County of Lancaster,* 17 *and* 18 *Edward II* (Record Society of Lancashire and Cheshire, 41).
Lancs. Fines	*Final Concords of the County of Lancaster* (Record Society of L. and C., 39, 46, 50).
Lancs. Inquests	*Lancashire Inquests, Extents and Feudal Aids* (Record Society of L. and C., 48, 54, 70).
Lancs. Inq. p.m.	*Abstracts of Inquisitions post Mortem* (Chetham Society, XCV, XCIX).
Lancs. Pipe R.	W. Farrer, *Lancashire Pipe Rolls and Early Lancashire Charters.*
Parl. Writs	*Parliamentary Writs* (Record Commission).
Placita de Q.W.	*Placita de Quo Warranto* (Record Commission).
Prothero, *Select Charters*	G. W. Prothero, *Select Charters and other Constitutional Documents Illustrative of the Reigns of Elizabeth and James I.*
Rot. Chart.	*Rotuli Chartarum* (Record Commission).
Rot. Litt. Claus.	*Rotuli Litterarum Clausarum* (Record Commission).
Rot. Parl.	*Rotuli Parliamentorum* (Record Commission).
Stat. Realm	*Statutes of the Realm* (Record Commission).
Tait, *Med. Manchester*	J. Tait, *Medieval Manchester and the Beginnings of Lancashire.*
Towneley MSS.	Towneley MSS., Lancashire Collections DD (Manchester Central Library).
Trans. R. Hist. Soc., 4th S.	*Transactions of the Royal Historical Society, Fourth Series.*
V.C.H. Lancs.	*The Victoria History of the County of Lancaster.*
Whalley Coucher	*The Coucher Book or Chartulary of Whalley Abbey* (Chetham Society, X, XI, XVI, XX).

CHAPTER ONE

INTRODUCTION

THE term " bailiff " has always been one of wide application. The *Oxford English Dictionary* distinguishes four different meanings of the word in current use. In medieval times its connotation was even wider. It was employed to denote the keeper of a royal fortress, just as " bailiff " is still the official title of the custodian of Dover Castle. The present High Bailiff of Westminster has his medieval counterparts in the chief magistrates of many royal and seignorial boroughs : in the royal borough of Lancaster and the seignorial borough of Clitheroe there were two bailiffs who jointly occupied the magisterial bench. Sometimes the word signified the representative of a party or parties to a suit in the king's courts, as when in 1334 the abbot of Cockersand sued certain tenants of Westhoughton for breaking down an enclosure which he had recently made and only one of them appeared before the justices to answer for himself and the others " as their bailiff ".[1] More commonly it was applied to the agent of the lord of a manor who managed his estate, superintended the husbandry of the demesne and collected the rents of his tenants. The bailiff of the lord of a liberty or franchise was the executive officer of the lord's court. In all these instances the fundamental notion implied is that of a person put in charge, a servant or minister with authority delegated by a superior. In other cases the term appears to be almost synonymous with " minister of the crown ", comprising generally all who were vested with public administrative authority within limited areas. Thus in certain statutes imposing duties on sheriffs, coroners, constables and mayors of cities and boroughs, these officials are counted as bailiffs of the king. But in a more restricted sense " bailiff " was the special designation of those servants of the sheriff who travelled about the county in the execution of his orders and of the principal administrative officers of the hundreds.

It is with the bailiffs of the Lancashire hundreds that the present essay is mainly concerned. Certain special features of their office seem to justify a separate account of their origin, status and work ; but since, like all other bailiffs of hundreds, they constituted an essential part of the organization of county government of which the sheriff was the head, a short preliminary description of the sheriff's duties and the

[1] Coram Rege R. 297, mm. 64d., 83.

normal relationship between him and his subordinates may help to bring out the distinctive position of the Lancashire officers.

The English sheriff of the thirteenth century has been aptly described as a provincial viceroy. He was, in most cases, the nominee of the king, to whom alone he was responsible. His authority, exercised partly by virtue of his office, partly in obedience to special royal commands, ranged over the whole governmental business of the county. As the king's fiscal agent, he collected all the royal revenues of the shire, made disbursements on behalf of the crown and rendered his account twice a year at the exchequer. In the administration of justice, he presided over the county court which in most parts of the kingdom was held every four weeks, but in Lancashire and some other northern counties every six weeks; and in every hundred, except where the right had been granted to another, he held at Easter and Michaelmas a special hundred court called the sheriff's tourn. It was his business to see that juries were impanelled, that persons indicted by a jury, presented by a bailiff, or appealed by a complainant were attached and made answer to their charges, and that the sentences imposed were carried out. When the king's judges visited the county, he received the writs which set the royal courts in motion, and either executed them through his subordinates or saw that they were executed by lords of franchises who had the return of writs; and he was responsible for giving effect to the orders of the justices. His importance as the officer in charge of the military organization of the county had somewhat declined by the middle of the thirteenth century, but his responsibility as the chief police officer for the maintenance of law and order remained. He could still on his own initiative call out the *posse comitatus* to quell rebellion or disturbance, and he was supposed to keep lists of the inhabitants who were liable to bear arms. But in the holding of periodical reviews or musters of men of military age he was generally accompanied by special commissioners, and in other military matters, as, for example, the enforcement of knight service, the raising of quotas for operations in Scotland or elsewhere, and the provision of victuals, equipment and transport for the royal forces, he acted as a rule only on special orders from the king, and frequently in association with others. In most counties he had the custody of the castle and was responsible for its upkeep. This symbol of royal power was not only a fortress and a hall in which the sheriff entertained the king on his visits, but also a county gaol and a place of public business where the county court and the courts of the itinerant justices were often held, the local judicial and administrative records kept, and the county revenues received.

In the discharge of these varied and onerous duties the sheriff needed

assistance. He was sometimes permitted to appoint an under-sheriff with power to do all that he could do himself; but the clerical work involved in his legal and financial functions necessitated the employment of a staff of clerks, the chief of whom was the sheriff's clerk and receiver; while for the serving and execution of writs, the summoning of juries, the attachment of litigants and offenders, the levying of distresses, the collection of rents and dues, and the performance of his orders generally, he was served by a body of officers described as bailiffs or serjeants. Inasmuch as these officials were employed on the king's business they were often also called the king's bailiffs, but they were distinguished according to the areas in which they served.

Those who operated from the sheriff's headquarters and travelled over the county as a whole were the bailiffs errant. In the vast majority of cases they were appointed by the sheriff himself and were completely under his direction, though in a few instances they received their office direct from the king. Those whose duties were confined to one of the administrative subdivisions of the county known as hundreds or wapentakes, or to a group of two or more hundreds, were the hundred bailiffs. These were not all appointed by the sheriff, and the degree of their subordination to him varied. In some hundreds the office was hereditary, held either independently or as an appurtenant to a holding of land. Further, more than half of the total number of hundreds in England were in private hands: they had been "private hundreds" from time immemorial or had been granted to a subject by the crown within the time of legal memory. In such cases, if the office was not held in fee, the bailiff was appointed by the lord, unless, as occasionally happened, the lord chose to act as bailiff himself. It was only in the royal hundreds which were not served by hereditary officers that the bailiwick was, as a rule, at the disposal of the sheriff.

Nevertheless, all bailiffs of hundreds, whether chosen by the sheriff or not, were the king's bailiffs, sworn in the county court to execute the king's commands, and as such they were the servants of the sheriff through whom the royal orders were transmitted. But the measure of the sheriff's control over them, as over the hundreds, depended in the first place on whether the hundred was retained by the king or had passed into the hands of a mesne lord, and in the latter case also on the extent of the privileges enjoyed by the lord in his private hundred.

In the royal hundreds the bailiff acted entirely under the sheriff's direction in the same sort of business as was done by the bailiffs errant. At the same time he had a position of greater responsibility and initiative, and in most districts had under him a staff of assistants, clerks, underbailiffs and bedells. He usually presided over the three-weeks' hundred court, and, though he did not preside over the greater courts of the hundred or the sheriff's tourns, he had to be present, to give notice when

they were to be held, and impanel the necessary juries. He was accountable to the sheriff for the collection of the revenues due to the king from the hundred: the customary payments of the chief tenants which were known as assized rents; the fines and amercements arising from pleas in the hundred court, the shire court and the higher tribunals of the crown; the payments due for royal writs and charters; the proceeds of treasure trove, wreck of the sea, deodands and felon's goods, where these had not been granted to lords of liberties. Moreover, he was sometimes required to assist in the levy of extraordinary taxes imposed by the crown, like scutages and aids, tallages and taxes on movable property. For all this work the bailiff was not paid a salary; he derived his remuneration from fees and perquisites which varied from district to district. Among such emoluments there might be a commission on the rents collected or the distresses levied, payments by prisoners kept in custody, part of the fees due from litigants for the serving of writs or the attachment of persons to appear in court; and in some parts of the country the right to a robe of office and to demand puture or hospitality from the inhabitants. In addition to these sources of income which were generally regarded as legitimate, the bailiff commonly derived profit from bribes or gifts for favours of different kinds, and from the exaction on various pretexts of contributions of money, corn or other produce. In the aggregate these casual receipts were, at least until the late fourteenth century, so valuable that men were prepared to pay the sheriff an annual farm or rent for the privilege of being a bailiff. The amount of the farm was fixed by bargaining; and in some cases the contract made permitted the bailiff to keep for himself, besides the incidental profits just mentioned, some of the issues of the hundred which would otherwise have to be handed over to the sheriff, as, for example, the perquisites of the hundred court or the assized rents.

In a private hundred, on the other hand, the bailiff was the servant of two masters, of the lord as well as of the sheriff. The possession of a hundred gave the holder the right to hold the ordinary hundred courts and to receive the fines and amercements, the assized rents and other customary payments which went with that right. He was not necessarily the lord or tenant of any land in the hundred, but from such land as he held he drew the rents. Any other advantage which he derived depended upon the terms of the charter granting him the hundred or upon the privileges he enjoyed by prescription or by special gift of the crown. He might, for example, have the sheriff's tourn and the right to take the view of frankpledge throughout the hundred save where this was in the hands of lords of manors; or he might be able to take the profits of treasure trove or wreck or felons' goods. He might even claim to exclude the sheriff from the area of his jurisdiction and execute the royal writs through his own officers. Hence the bailiff of a private

hundred was the lord's bailiff, responsible to the lord for part of the local administration. Unless he held his bailiwick by hereditary right, he farmed it from the lord, just as the bailiff of a royal hundred did from the sheriff. As part of his bargain he undertook to preside in the three-weeks' court, to summon the juries and litigants, levy the fines, amercements and distresses, and collect the assized rents and other dues to which the lord was entitled. Whether he paid over any or all of these profits depended on the terms of his contract. But as the king's bailiff he had also a certain responsibility to the sheriff. It was his duty to collect and hand over to the sheriff all the royal revenues of the hundred,[1] except in so far as these had been assigned to his lord or to some other magnate. He did not execute royal writs unless his lord had the return of writs; but even in that case, after receiving the writs from a bailiff errant, he had to report to the sheriff what action he had taken upon them.

From the general outline of county and hundred administration just given, it will be apparent that the system made possible many different arrangements as between one locality and another. It is this diversity of practice which makes the detailed study of local institutions in the past so important and interesting. In the case of Lancashire and its hundreds there are many features of the civil organization and government which deserve examination. In the first place an organization of hundreds and hundred bailiffs is found in operation before the county is recognized as a governmental entity. Secondly, the shire is made the possession of magnates who are themselves the sheriffs, and who in time are invested with almost complete regalian rights. Thirdly, some of the hundreds within the shire are found to be administered for a shorter or a longer period by two hundred bailiffs, the one more particularly described as "the king's bailiff", the other as the bailiff of the "wapentake" or "the lord's bailiff", with more or less distinctive spheres of jurisdiction; while, fourthly, the authority of the royal bailiffs is to some extent restricted by the powers of the lords of certain non-hundredal franchises. Finally, there is evidence that both the royal and the seignorial bailiffs exercised functions not usually associated with the bailiff's office. Any attempt to elucidate these features must begin with an account of the rise of the county and of the peculiar position of the magnates who were both its lords and its sheriffs.

[1] Such issues as the pleas and perquisites of the tourn, fines and amercements imposed on residents in the hundred by the county court or the king's courts, profits of treasure trove, waif and wreck of the sea.

CHAPTER TWO

THE ADMINISTRATIVE ORGANIZATION OF THE COUNTY OF LANCASTER

(*a*) The County

While most of the geographical counties into which England is divided had emerged as administrative units before the Norman Conquest, Lancashire was not fully recognized as a shire until the last decade of the twelfth century. Its comital organization was delayed first by the chequered fortunes which it shared with all the region north of the Mersey and west of the Pennines both before and after the Conquest, and secondly by the fact that in Norman times the area comprised within the present boundaries of the county was made a member of a fief which included lands in other parts of the kingdom.

From the departure of the Romans until the second half of the tenth century the history of north-western England is one of repeated invasion resulting in divided and ever-changing ownership. Parts now included in Lancashire passed in turn under the dominion of the Celts, Anglians of Northumbria and Mercia, and Scandinavian invaders. They were not incorporated in the Anglo-Saxon realm until the reign of Athelstan, and even then the region north of the Ribble was insecurely held. This area, along with the southern portions of the later Cumberland and Westmorland, was attached to the earldom of Northumbria, while the lands between the Ribble and the Mersey were added to Mercia, though remaining part of the royal demesne. In consequence of this division the Domesday commissioners, unable to record a shire of Lancaster, surveyed the northern half of the modern county with Yorkshire and the southern half with Cheshire.

The process of welding the two halves may be said to have begun with the creation of the fief of Count Roger of Poitou shortly after the Conquest. About 1072 William I gave Roger the land between the Ribble and the Mersey, the district of Amounderness and some scattered portions of the lower Lune valley, together with extensive possessions in the West Riding of Yorkshire, Lincolnshire, East Anglia and the Midlands. William II enlarged the grant by the addition of practically the whole of Lonsdale south of the Sands and possibly of Cartmel and Furness. Of his vast but scattered estates Roger made Lancaster the centre, from which circumstance the fief as a whole came to be known in later times as the honour of Lancaster. Within it he enjoyed regalities approaching to those of a palatine earl. He appointed his own sheriff of the honour, and for his Lancashire lands had his own county court " with special

jurisdiction excluding that of the king". Thus for certain judicial purposes these lands were administered as a unit, though their coherence was as yet incomplete. In the popular view and in the language of official documents the two divisions north and south of the Ribble were still for a long time regarded as distinct. Indeed, during part of Stephen's reign they were under the control of different magnates. After Roger's participation in the revolt of Robert of Bellême, his forfeited honour was bestowed by Henry I on his nephew Stephen of Blois, and during the civil war the area north of the Ribble was seized by David, king of Scotland, while *inter Ripam et Mersham* passed into the possession of Ranulf Gernons, earl of Chester.

From 1153, however, the Lancashire lands were again united in allegiance to a single lord. By agreement between Stephen and his rival, Henry of Anjou, the whole honour was assigned to Stephen's son William. After the latter's death in 1159 it was held by his widow in dower until her re-marriage five years later. It then became once more part of the royal estate and so continued until 1267, except for the short period between 1189 and 1194, when by the grant of Richard I it was in the hands of his brother John, count of Mortain.

During those periods when the honour was held by the crown, it retained its individuality as an administrative unit. The Pipe Rolls show that from the time of its resumption by Henry II in 1164, a ferm *de Lancastra* or *de honore de Lancastra* was rendered annually at the exchequer and accounted for by a separate sheriff,[1] in the same way as the ferms of counties were rendered by the comital sheriffs. But this Lancastrian ferm represented revenues drawn from lands outside as well as within the bounds of the present Lancashire: the term "Lancastra" still denoted an estate of many detached constituents. Nevertheless, a "county of Lancaster" was beginning to be recognized, first for judicial purposes and then for fiscal. When in 1168–9 the sheriff rendered account for 100 marks *de communi assisa comitatus de Lancastra pro defaltis et misericordiis*,[2] and in the following year reported that *totus comitatus de Lancastra* owed 200 marks which it had offered for a postponement of the Regard of the Forest,[3] he could have referred only to that part of the honour which lay between the Duddon and the Mersey. Before the end of Henry II's reign the same area was distinguished from the rest of the honour in connection with royal taxation: in rendering

[1] Except for 3½ years between Michaelmas 1166 and Easter 1170, when William de Vesci, sheriff of Northumberland, accounted for the issues of the honour. *Lancs. Pipe R.*, 10–16.

[2] *Ibid.*, 13.

[3] *Ibid.*, 16. Another postponement was purchased by the county in 1185, while in the same year and two years previously the "county" was amerced for concealing pleas of the crown; *ibid.*, 55, 49.

the proceeds of a scutage levied in 1186, the sheriff deducted the amounts remitted by the king's writ to the knights "residing in the county" and to those *extra comitatum* as separate items.[1] Recognition of the county as itself a fiscal unit soon followed. When Count John forfeited the honour for his treason in 1194 practically all the lands outside the county were found to be held by knight service; hence the revenues from the demesne not in Lancashire were negligible, and the ferm of the honour was to all intents and purposes the ferm of the county.

In 1267 the honour and the county were given by Henry III to his younger son Edmund,[2] who was made earl of Lancaster probably at the same time. Save for five years during Edward II's reign, they remained in the possession of the great house of Lancaster thus founded until the death of John of Gaunt in 1399. During this period of nearly a century and a third the earls acquired a succession of privileges which it is necessary to enumerate if we are to understand the system of local government in the county.

In the first place, Edmund combined in his person both the lordship and the shrievalty of Lancashire. To him as lord all the former crown tenants of the county had to do homage, and from them, except in the hundreds of Leyland and Blackburn which were in the hands of other magnates, he received the assized rents and other customary payments. As sheriff, through his deputy or under-sheriff, he presided over the county court and the tourns in the hundred courts, though the abbot of Furness claimed to hold the sheriff's tourn in his liberty. Edmund's powers of jurisdiction were less extensive than those of Roger the Poitevin or Count John, being at first confined to the minor offences comprised by the terms sac and soc, toll and theam, infangthef and utfangthef,[3] but they were increased under Edward I. He was given the right to hold pleas of the forest by justices appointed by the crown at his request, and to receive the fines and amercements therefrom,[4] and when the king recovered the sheriff's tourn from the abbot of Furness, wreck of the sea in Lytham from the prior of Durham, and wreck of the sea and waif in Cartmel from the canons of that priory, these privileges were also transferred to Edmund.[5] The wapentake courts, except in Leyland and Blackburn, were held by the hundred bailiffs as the representative of the earl in his capacity as sheriff, and their perquisites were, along with the profits of the county court and the tourns, paid over to the earl in his capacity as lord. It was only for the casual royal revenues of the county, such as the amercements and fines imposed on his subjects in the king's

[1] *Lancs. Pipe R.*, 64.
[2] *Cal. Rot. Chart.*, 94; *Cal. Chart. R.*, II, 78; *31 D.K. Rept.*, app. 10.
[3] *31 D.K. Rept.*, app., 10.
[4] *31 D.K. Rept.*, app., 14; *Cal. Pat. R., 1281–92*, 263–4.
[5] *31 D.K. Rept.*, app., 17–8; *Cal. Chart. R.*, II, 461.

courts, the taxes levied by the king's council, and the royal profits of treasure trove, wreck of the sea and waif (except in Lytham and Cartmel) that the earl had to render account at the exchequer.[1]

During the fourteenth century the regalities attached to the honour were so extended that the authority of the crown in the county was almost completely delegated. After Edmund's death in 1296 the earldom was held by his son Thomas until his attainder in 1322. Five years later all the Lancastrian estates and liberties were restored to Thomas's brother Henry, the third earl, who in 1342 acquired all the administrative functions and profits arising out of crown pleas in which his men and tenants were involved. By a charter of that year he was confirmed in the possession of the rights to return all writs, to try pleas of withernam, and to receive the fines and amercements of the king's courts, which had previously been granted to him with the earldom, and given the further privileges of executing the summonses of the exchequer, of attaching for all manner of pleas including those of the crown, and of taking the chattels of felons and fugitives, and all ransoms and forfeitures incurred by his men and tenants.[2] So far as Lancashire was concerned, the advantages gained by these accessions of authority were chiefly financial, for as hereditary sheriff Henry already possessed in the county the administrative functions which he now acquired in the rest of the honour. And his judicial powers were not greatly extended. Pleas of the crown, except those of withernam, were still heard by the king's judges in all the earl's domains, and none of his tenants or dependants could begin a suit in the king's courts without a writ from the royal chancery.

These limitations on the earl's jurisdiction in the county were swept away in 1351 when Henry's son Henry of Grosmont was created duke and the county was raised to the status of a palatinate. With certain exceptions the duke was vested with all the liberties and *jura regalia* of a palatine earl in Lancashire " as fully and freely as the earl of Chester is known to have them in the county of Chester ". He was permitted to set up his own chancery from which within the county ran the writs issued by his own chancellor, instead of those issued by the royal chancery. Lancashire pleas of the crown were now determined by the duke's and not by the king's justices, though the crown retained the prerogative of pardon and the right to deal with defaults of justice on the part of the duke's courts or officers.[3]

[1] *E.H.R.*, *X*, 32; *V.C.H. Lancs.*, II, 195–6. Occasionally amercements and fines of the royal courts were granted to the earl, e.g., the profits of the last *iter* of Henry III's reign; *ibid.*

[2] W. Hardy, *Charters of the Duchy of Lancaster*, 2–3.

[3] Hardy, *Charters*, 9; *V.C.H. Lancs.*, II, 206. The right of parliamentary and clerical taxation was also reserved by the king.

As the palatine powers just defined were granted to duke Henry for life only, they lapsed on his death in March 1361. Until November, John of Gaunt, who succeeded him, enjoyed no higher regalities than those possessed by earls Edmund and Thomas. Edward III then conferred on him practically the same privileges as Henry the third earl had exercised before 1351.[1] John was made duke in 1362 but he had to wait another fifteen years before the same palatine rights were bestowed on him as had been accorded to his father.[2] They were subject to the same limitations and granted for life as before, but in 1390 both the ducal dignity and the palatine privileges were entailed on his heirs male,[3] and thus passed to his son Henry Bolingbroke. On the latter's accession to the throne they were confirmed to him by a parliamentary title independent of his title to the crown.

(*b*) The Hundreds

In defining the position of the earls and dukes of Lancaster in the county occasional reference has been made to their relations with the hundreds and the hundred courts. Before proceeding to describe the arrangements for the local administration of the Lancashire hundreds —or wapentakes as they were usually called—it will be advisable to recall how these major divisions of the county emerged from the somewhat indeterminate organization of pre-Conquest times.

In the reign of Edward the Confessor the area between the Ribble and the Mersey was divided, according to the Domesday Survey, into six administrative districts described as the " hundreds " of West Derby, Newton, Warrington, Salford, Leyland and Blackburn. Each comprised a number of vills or " manors " dependent on a capital manor from which the hundred derived its name. At a later but uncertain date the number of hundreds was reduced to four, Newton and Warrington having been incorporated in West Derby. The late Dr. Farrer believed that the fusion took place before the reign of Henry II, and probably in that of Henry I.[4] Early absorption in the case of Warrington is highly probable, for there seems to be no mention of that as a separate hundred in any record subsequent to 1086. Newton, on the other hand, appears to have retained its individuality, for some purposes at least, for a longer period. Under the name of *Machesfeld Wapentachium* it figures in the Pipe Roll of 1168–9 as one of the divisions from which the sheriff accounted for the aid levied on the marriage of Henry II's daughter Matilda ;[5] and in 1246, when the juries of the Lancashire hundreds were sworn

[1] Hardy, *Charters*, 12–13. [2] *Ibid.*, 32, 62–4.
[3] *Ibid.*, 68. In 1396 his jurisdiction was extended to include the assize of bread and ale, waifs and strays, deodands and treasure trove ; *ibid.*, 96–7.
[4] *V.C.H. Lancs.*, III, 1. [5] *Lancs. Pipe R.*, 12.

before the justices of assize at Lancaster, a separate body of twelve appeared for the "Wapentake of Makefeud" and made its own presentments.[1] On the other hand, the fact that William de Walton, the chief bailiff of West Derby, was also sworn as the bailiff of "Makefeud" at this later date may be taken to indicate that the amalgamation had already taken place.[2] Possibly it had been effected towards the end of the twelfth century, at the time when, or before, practically the whole of the old hundred of Newton was granted as a fief to Robert Banaster. The recipient does not appear to have been given full hundredal jurisdiction in his estate, as his successors in 1322 and 1346 are recorded as owing suit to the wapentake court of West Derby.[3]

In the area north of the Ribble no part is described in Domesday Book as a hundred. The district of Amounderness, however, with its sixty-one vills or berewicks dependent on the head manor of Preston, is distinguished as a compact area which was no doubt treated as a hundred soon after the Norman Conquest, if not before. A royal bailiff for the division can be traced with a fair degree of probability from the middle of the twelfth century,[4] but so far as can be ascertained the first official designation of Amounderness as a hundred does not occur until 1190 or later. About that time Count John, as the recently created lord of the honour, bestowed upon Theobald Walter the whole of Amounderness including the vill of Preston, "all the demesne lands of the hundred" and the wapentake court.[5] Beyond Amounderness were a number of smaller groups of manors, or vills, also centred round *capita*, but (the northern and eastern boundaries of the county not yet being defined) lying partly in the later shires of Cumberland, Westmorland and York. Not all of these townships were included in that portion of Roger the Poitevin's fief which ultimately became Lancashire, and the consolidation into one or more larger administrative units of those which were included would naturally await the organization of the fief. The earliest mention of a hundred north of Amounderness occurs in the Pipe Roll above mentioned, where *Lonesdale Wapentachium* is represented along with "Machesfeld" as contributing to the aid of 1168.[6] No doubt the name "Lonesdale" referred to the whole of the district between Amounderness and the Duddon, though a distinct "Wapentake of Furness", as well as that of Lonsdale, is recorded some twenty years later as being amerced for concealing pleas of the crown.[7] This lesser division, however, represent-

[1] *Lancs. Ass. R.*, I, 62, 119.

[2] In the *Quo Warranto* inquiry of 1292, William de Walton's son Richard claimed to be the "king's bailiff of the wapentakes of West Derby and Makerfield" *Placita de Q. W.*, 382.

[3] *Lancs. Inquests*, II, 77; III, 93.

[4] See below, p. 29.

[5] *V.C.H. Lancs.*, I, 352.

[6] *Lancs. Pipe R.*, 12.

[7] *Ibid.*, 68. The *wapentachium de Furneis* was also amerced for a similar offence in 1184–5; *ibid.*, 55.

ing the jurisdiction of the abbots of Furness, was not an official hundred but a franchise within the wapentake of Lonsdale.[1]

It will thus be seen that by the end of the twelfth century, when Lancashire had attained its full status as a shire, it contained six hundreds. For the local administration of these under the sheriff there had already been established a staff of hereditary bailiffs, one for each of the hundreds of West Derby, Leyland, Salford and Lonsdale, and a fifth responsible for both Blackburn and Amounderness. Early in the thirteenth century the bailiff of Salford forfeited his office for treason and it was never again granted as a heritable possession. The rest of the bailiwicks were held in fee until the fifteenth century or later. In West Derby, Lonsdale, and the combined wapentakes of Blackburn and Amounderness, the office was a serjeanty attached to a holding of land. In Salford and Leyland the bailiwick had no land endowment, though in the latter hundred it came later to be associated with the possession of a tenement.

All these officers are variously described as " Chief Bailiffs ", " Bailiffs of the King ", " Master Serjeants " and " King's Serjeants "—appellations which served to distinguish them not only from their underlings or sub-bailiffs, but also from another body of hundred bailiffs who came into existence during the thirteenth century, and who are found to be working side by side with the royal bailiffs and performing some of the functions previously discharged by the latter. The new officials owed their origin to the mediatization of four of the six hundreds and are to be distinguished by the term " seignorial bailiffs ". In West Derby and Blackburn they persisted down to the fifteenth century, but in Salford and Leyland the royal and seignorial bailiwicks became merged into a single office again, in the former case probably through the lord's usurpation of the royal office which had ceased to be hereditary, in the latter through the lord's purchase of the hereditary royal bailiwick. The seignorial hundred bailiffs had their assistants, sub-bailiffs, bedells, and perhaps clerks, as their royal colleagues had, but they were employed in looking after their lords' interests, as distinguished from the king's, that is, in collecting their lords' revenues and in doing the administrative work which arose out of the judicial privileges which their lords enjoyed in the hundreds. Further details as to the relative spheres of the two sets of officers will appear in the following account of the origin and tenure of the several royal and seignorial bailiwicks.

[1] See below, p. 38.

CHAPTER THREE

THE HUNDREDAL SERJEANTIES

1. West Derby

(*a*) *The King's Serjeanty*

The king's bailiwick of West Derby hundred can be traced back to the early years of Henry II's reign,[1] when William count of Boulogne, the son of King Stephen, as lord of the honour of Lancaster, granted the serjeanty with six oxgangs of land in Walton on the Hill, four in Wavertree and four in Newsham to his servant Waldeve. Between 1189 and 1194 John count of Mortain confirmed this grant to Waldeve's son Gilbert, and again on his accession as king to Gilbert's son Henry.[2] In 1227 Henry received "the whole town of Walton" from his brother Richard,[3] thus becoming the lord of the manor from which he derived his surname. From him until at least the end of the fourteenth century the bailiwick descended in the Walton family along with the manor, though its endowment is not always recorded as the whole of the original fourteen oxgangs.[4] Of the lands of which the serjeant Robert de Walton died seised in 1400, only "4 bovates in Walton, parcel of the manor of Walton" were said to be held by the service of administering the bailiwick.[5]

[1] Probably between 1157 and 1159.

[2] *Rot. Chart.*, 28; *Lancs. Pipe R.*, 106. Henry de Walton paid 100*s.* or a palfrey for the confirmation of 1199. Six years later, by an act of extortion on King John's part, he was called upon to pay a further 5 marks for an additional confirmation. Taking advantage of the fact that serjeanties were regarded as inalienable, John ordered his sheriffs to seize all lands held by serjeanty, thanage, drengage, etc., of the honour of Lancaster which had been alienated since the coronation of Henry II, and this serjeanty, together with those of Leyland, Amounderness and Blackburnshire, were confiscated, presumably because, when granted by John himself before he became king, the sanction of Richard I had not been obtained. *Lancs. Inquests*, I, 1; *Lancs. Pipe R.*, 204.

[3] *Lancs. Fines*, I, 138.

[4] In the inquisition *post mortem* of William de Walton, the fifth holder of the serjeanty in succession after Waldeve, in 1322, the lands attached to the office are enumerated as 6 oxgangs in Walton, 4 oxgangs in Wavertree and 4 oxgangs in *Everton* (a manor adjacent to Newsham, which was parcel of the manor of Walton); *Lancs. Inquests*, II, 47. But in a rental of the lands of Thomas earl of Lancaster, compiled in the same year, William's son Simon is represented as holding "by the service of serjeanty" "6 oxgangs of land in Gildhouses in Walton and 4 oxgangs of land in *Great Crosby*". The latter name may be an error for Wavertree or Newsham, but in either case one parcel of 4 oxgangs is omitted; *ibid.*, II, 81.

[5] "*Et dicunt quod predictus Robertus obiit seisitus de iv bovat. terre in Walton que nunc sunt pcell' manerii de Walton et illas tenuit de dño Rege in capite ut de corona*

After this, no further reference to the possession of the serjeanty by the Waltons can be traced. Robert de Walton was succeeded by his son John, whose claim to the manor was called in question by his sister Ellen and her husband Robert de Fazakerley on the ground that he was a bastard. The allegation was probably false, but the dispute lasted from 1412 till 1427, when it was ended by the award to the Fazakerleys of a third part of the manor in lieu of Ellen's marriage portion.[1] The serjeanty is not referred to in the settlement, and from this and other indications it would appear to have been surrendered to the king.[2]

During the later part of their tenure of the serjeanty the Waltons had ceased to exercise its functions in person. In 1333 Simon de Walton leased it to Henry de Bickerstaffe for six years at an annual rent of £20.[3] Towards the end of the term, in 1338, he conveyed " the bailiwick of the grand serjeanty of the Wapentake " to Robert, son of Roger de Radcliffe, " to have and to hold to him and his heirs " for 100 marks ;[4] yet, as we have seen, both Simon himself in 1346 and his nephew Robert in 1400 were found to be holding the fief to which the condition of serving the office was attached. Whatever may be the explanation of this discrepancy, it was recorded in 1374 that Henry de Chadderton had been acting as the king's bailiff in West Derby for twenty years.[5] At the end of the century the farm had been reduced to £10,[6] and though it

p serianciam, videlicet, ad mīstr' ball' ipsius Regis infra Wapent' de Derbyshir et valent p annum xx^{s}." Newsham is included in the list of Robert's properties given in this inquisition, but it is not associated with the serjeanty. Towneley MSS., D.D., No. 1488 (Farrer's transcript). Cp. *Lancs. Inquests*, III, 91 (1346) : Simon de Walton, uncle of the above-named Robert, " holds 4 oxgangs of land in Walton by serjeanty, to wit, by administering the king's bailiwick ".

[1] *V.C.H. Lancs.*, III, 25 ; *Chorley Survey* (L. & C.R.S., 33), 36–7.

[2] See below, pp. 15, 22.

[3] Coram Rege R., 297, m. 21. Before this, from 1321 to 1326 Simon had been in ward to the king, and his minority was the occasion of the first recorded appointment of a deputy royal bailiff in the hundred. " The serjeanty . . . except the dower, was committed to William de Chisenhale, rendering yearly to the Exchequer at Easter and Michaelmas £10, and when the dower falls in 20 marks for all, to hold until the heir attains his lawful age " ; *Lancs. Inquests*, II, 48.

[4] *Lancs. Fines*, II, 110. No land is mentioned in the abstract of the fine here given. In the Court of King's Bench (Trin., 12 Edw. III, 1338) Robert son of Roger de Radcliffe gave half a mark for licence to agree with Simon son of William de Walton in a plea of convention of the great serjeanty of the wapentake of West Derbyshire. De Banco R., 315, m. 257d. Robert de Radcliffe (who probably belonged to the Ordsall branch of the family) was described as " the bailiff of Salfordshire and Derbishire " in a pleading of 1344 ; Ass. R., 1435 (16–22 Edw. III).

[5] Coram Rege R., 454, m. 13.

[6] D.L. Receivers' Accts., 728/11987.

was subsequently raised to £12, from 1414 onwards the bailiwick was committed without charge to officers appointed by the crown.[1]

(*b*) *The Seignorial Serjeanty*

While the royal serjeanty of the hundred of West Derby can show a continuous history from the middle of the twelfth century to the end of the fifteenth, there is no evidence of the existence of a baronial serjeant before the second quarter of the thirteenth century. In 1229 the royal demesne between the Ribble and the Mersey was granted by Henry III to Ranulf, earl of Chester. This grant made Ranulf lord of the three hundreds of West Derby, Salford and Leyland,[2] and transferred to him the issues of the wapentakes including the perquisites of the wapentake courts. For the collection of these, for making attachments and executing the decisions of the courts, he would need a staff of officials and, as will be seen later from a charter granted to one of his successors, he was permitted to have his own "serjeants of the peace".[3]

After Ranulf's death in 1232, the three hundreds came into the possession of William de Ferrers, earl of Derby, in the right of his wife Agnes, one of Ranulf's sisters. It is evident that Ferrers also exercised the privilege enjoyed by his brother-in-law, for his "bailiffs" were associated with him in a charge of certain transgressions for which he forfeited the wapentakes in 1241–2. These were restored to him shortly afterwards, but again confiscated and restored about 1246.[4] No reason for these sequestrations is specified in the records, but it is almost certain that they were due to a conflict of jurisdiction between the earl's and the king's bailiffs. A consideration of the known facts of the earl's case in the light of the general situation in regard to the maintenance of the peace and the crown's attitude towards serjeanties as a whole makes such an explanation at least highly probable.

[1] D.L. Mins. Accts., 100/1790. "The lord granted the said bailiwick with the profits" to John de Clayton "freely without anything to be rendered therefor so long as he shall well and faithfully behave himself in the said office, *by the king's letters patent* dated at Westminster, 14th March, 1 Henry IV." Cp. *ibid.*, 101/1807: "It is said that Thomas Danyell has the said bailiwick *by the king's gift by letters patent*" (1458–9). Clayton held the office again from 1440 till 1447, when he was succeeded by Thomas Danyell (1447–8) and Thomas Dalton (1448–50). Danyell was bailiff again from 1451 to 1455. On 9th May, 1463, Richard Banaster was appointed "in succession to John Clayton" (who had evidently had a further term of office) and was serving in 1468–9. About twenty years later Robert Atherton accounted for the issues of the king's bailiwick. Farrer MSS.: Notes from Ministers' Accts.

[2] The grant specifically mentions (1) the vill of West Derby with the wapentake, (2) the vill of Salford with the wapentake, and (3) the wapentake of Leyland, with all their appurtenances. *Cal. Close R., 1227–31*, 221.

[3] R. Stewart-Brown, *Serjeants of the Peace*, app. III, 31 (i).

[4] *Cal. Close R., 1242–7*, 407.

The enrolments of the chancery afford numerous indications that about this time the government was much concerned about the problem of dealing with disorders in various parts of the country. Steps were being taken to see that this work should be done only by officers duly authorized and responsible to the crown, that is, by the sheriffs and their bailiffs and the royal serjeants. To permit the officers of territorial magnates to intermeddle in the business would involve loss of revenue to the king and might result in loss of royal jurisdiction. If the regular staff of the sheriff was not sufficient or competent to maintain order, then it was for the king to provide the necessary assistance, and on many occasions between 1235 and 1242 special serjeants were appointed to aid the sheriffs of particular counties in the pursuit and arrest of malefactors.[1] Occasionally, too, a magnate was permitted to have serjeants to protect his property;[2] but in all cases it was important that the authority of those entrusted with the duty of keeping the king's peace should emanate from the crown and not be usurped by officers answerable only to a subject. Equally necessary was it to ensure that the serjeants of fee who were charged with maintaining the peace duly performed their functions, and that the lands which they held by such service were not partitioned or alienated so as to impair their capacity to render it. Serjeanties of the peace, like all other royal serjeanties, were held to be inalienable, and if they or parts of them were transferred without licence the alienated property was liable to forfeiture, while the service due could still be enforced in full from the serjeant if he retained any portion of the original endowment.[3] Earlier in the century several inquiries had been instituted with the object of preventing lapse of services through alienations from serjeanties, but after Henry III came of age his government seems to have been especially watchful over this type of tenancies in chief.

At first action was taken through the sheriffs or through local escheators. In 1235, for example, a serjeant in Surrey who had sold part of his serjeanty and was proposing to sell another part was forbidden to do so, and the sheriff was ordered to see that the prohibition was observed.[4] In the following year the men of Yorkshire, Lancashire, Northumberland and Cumberland were notified that Robert de Crepping had been appointed to take the king's manors and demesnes in those counties into his hand and to inquire, among other things, into lands

[1] E.g., in Wiltshire, 1238 (*Cal. Close R., 1237–42*, 144–5); in various counties, 1241 (*ibid.*, 356); in Norfolk and Suffolk and Oxford, 1242 (*ibid.*, 450, *Cal. Pat. R. 1232–47*, 301); in Devon, 1242 (*Cal. Pat. R., 1232–47*, 298).

[2] The abbot of Holm Cultram, Cumberland, was temporarily granted serjeants in 1235; *Cal. Pat. R., 1232–47*, 93.

[3] *Book of Fees*, II, 1163; Pollock and Maitland, *History of English Law*, I, 290, 334–5; J. H. Round, *The King's Serjeants*, 17–18.

[4] *Cal. Close R., 1234–7*, 98–9.

alienated.[1] In 1244 the sheriffs of all the counties were directed to take inquisitions with regard to escheats and marriages pertaining to the crown and all alienations of royal serjeanties, and if any alienations had been made without the king's consent to confiscate the property disposed of.[2] Before long, however, the country was divided into two escheatries, each with its officer or officers who were specially instructed to deal with the business. In June, 1246, Henry de Wingham was appointed, with a knight in each county, to inquire of escheats and serjeanties south of the Trent,[3] while in February of the following year all the demesne lands and escheats in counties north of the Trent were committed to Robert de Crepping and Thomas de Stanford,[4] who were afterwards likewise directed to investigate serjeanties and seize the lands diverted from them.[5] These appointments were accompanied or followed by a commission to Robert Passelewe, the deputy treasurer, to assess upon the alienations a yearly rent which was to be paid to the king and not to those by whom the transfers had been made.[6]

In the course of the proceedings just outlined many serjeanties of all descriptions as well as the property severed from them were taken into the king's hand. Amongst them were those of earl Ferrers between the Ribble and the Mersey which, as already stated, were sequestrated twice. When the wapentakes of West Derby, Salford and Leyland were restored to him on 4th February, 1242, the regrant was made subject to certain conditions. It was stipulated that all pleas of the crown and attachments belonging thereto and all cattle detained against pledge and surety should be reserved to the king, and that the earl should not hinder the sheriff or the coroners when they entered the wapentakes to make inquiry of pleas pertaining to the crown and the peace; and further that the earl and his heirs should treat the men between the Ribble and the Mersey in pleas of the forest and all other pleas as they had been treated in the time of King John and up to the time of the grant of the hundreds to earl Ranulf in 1229, and not claim liberties and customs which had not been enjoyed by the lords of the hundreds before that date.[7] These restrictions on Ferrers' authority suggest, as has been conjectured by a previous writer,[8] that his bailiffs had been encroaching upon the province of the king's bailiffs. The suspicion is strengthened by revelations which were made later. After the second

[1] *Cal. Pat. R., 1232–47*, 156. [2] *Book of Fees*, II, 1142–3.

[3] *Ibid.*, 1163; *Cal. Pat. R., 1232–47*, 482–3.

[4] *Lancs. Inquests*, I, 177.

[5] On 11th April, 1247, in Northumberland (*Cal. Misc. Inquis.*, I, no. 47); on 5th May, 1247, in the honour of Richmond (*ibid.*, no. 53); on 12th January, 1248, in all counties north of the Trent (*Cal. Pat. R., 1247–58*, 6).

[6] *Book of Fees*, II, 1163; *Lancs. Inquests*, I, 177 ff.; J. H. Round, *op. cit.*, 17–18.

[7] *V.C.H. Lancs.*, III, 3, n. 8, quoting Fine R. 26 Hen. III, pt. 1, m. 10.

[8] R. Stewart-Brown, *The Serjeants of the Peace*, 51.

confiscation, which was probably effected in obedience to the king's order of 1244, Crepping was ordered on 28th March, 1246, to allow Ferrers to have his serjeants because of the grant made to earl Ranulf.[1] As before, no reason is assigned for the seizure, and no fresh undertaking appears to have been required from Ferrers, but at the assizes held at Lancaster in the following October the justices were instructed to ascertain whether the appointment of a serjeant to keep the peace in Lancashire, who was commonly called " grit serjeant ", belonged to the king or to some other person, and if they found that it belonged to the king to chastise by fines all who hindered John de Holm whom the king had sent thither to enjoy that office.[2] Evidently the king was still suspicious of his powerful vassal. For the inquisition ordered a jury of fifteen men of the county was sworn [3] but no verdict by it is entered on the assize roll. There are recorded, however, certain presentments by two of the hundred juries relating to the serjeanties in their respective areas which it is not unlikely were made in response to the king's instructions. From West Derby it was reported that William de Walton was the " chief serjeant " by virtue of fourteen oxgangs of land which he held by charter,[4] but that there had formerly been a serjeant under him, Adam Gerard, who held two oxgangs in the manor of West Derby " by service of making judgment of pleas of the wapentake ". These two oxgangs, the jury added, were now held by earl Ferrers who performed the duties by his own servants.[5] The men of Leyland stated that one Robert de Clayton had previously been the " keeper " (*serviens custodiendi*) of that wapentake in fee, but had sold the office to the earl.[6] There was no separate report from Salford, but the " chief bailiff " sworn before the justices at the head of the jurors was Henry de Wenne, who was also sworn as the bailiff of Leyland and was presumably Ferrers' nominee.[7] Thus it appears that in two of his hundreds Ferrers had acquired royal serjeanties probably without licence, and in the third had managed to substitute an officer of his own appointment to perform functions which rightly belonged to the king's bailiff. When these usurpations took place is not known, but it is quite possible that one or

[1] *Cal. Close R., 1242–7*, 407.

[2] *Lancs. Ass. R.*, I, 59. In the previous August the king had informed the sheriff that he had assigned John de Holm *servientem nostrum ad pacem nostram in comitatu tuo custodiendam*, and ordered him to receive John for that purpose without delay. *Cal. Close R., 1242–7*, 454.

[3] *Lancs. Ass. R.*, I, 59.

[4] *Ibid.*, I, 79.

[5] *Ibid.*, I, 74. A similar return was made in the inquisition *post mortem* of Edmund earl of Lancaster in 1298; *Lancs. Inquests*, I, 288. In 1212 the subbailiwick was held by Adam son of Gille, and in 1216–22 by Adam Gerold (Gerard ?), *ibid.*, 26, 116.

[6] *Lancs. Ass. R.*, I, 66.

[7] *Ibid.*, 60.

other of them may explain why Ferrers was deprived of his franchise in the second instance if not in the first.

Before he died in September, 1247, the earl must have made some settlement with the king, for in the arrentation conducted by Robert Passelewe no fine or rent was imposed upon him " for that land which William Ferrers and Agnes his wife hold of the serjeanty of Salford and of Clayton [Leyland] and of Newsham, because they have therefor a charter and writ of the lord king ".[1] From this it would appear that the earl was allowed to keep the royal serjeanties of Salford and Leyland, and if so his officers in those hundreds would act as deputy royal bailiffs and seignorial bailiffs at the same time. In West Derby his representative would be a seignorial officer only. The mention of Newsham is somewhat puzzling. The four oxgangs there which were part of the original grant of the royal serjeanty of West Derby are not associated with that office in the extents of the fourteenth century, so that it is possible that Ferrers had somehow got possession of this land as well as the two oxgangs in the manor of West Derby formerly held by the under-serjeant.[2]

After the death of the countess Agnes on 2nd November, 1247, William de Ferrers II succeeded to the full possession of his father's estates, and it may have been with the object of avoiding further question that he secured fresh recognition of his bailiffs in south Lancashire. In 1249 a mandate was sent to the sheriff to permit him to enjoy the same liberties between the Ribble and the Mersey as Ranulf earl of Chester and his (William's) father the earl of Derby had rightfully enjoyed, and to protect and maintain him in these liberties ; [3] and about two years later the younger Ferrers received a charter formally sanctioning his seignorial serjeanties.[4]

[1] *Book of Fees*, II, 1190 ; *Lancs. Inquests*, I, 180. The date given in the *Book of Fees* is 1250, but the case must have been dealt with before the earl's death on 22nd September, 1247.

[2] See above, p. 13 n. 4. Had Ferrers exchanged the four oxgangs in Everton recorded in the inquisition *post mortem* of William de Walton (grandson of the serjeant of 1246) in 1322 as attached to the royal serjeanty for these four in Newsham ?

[3] *Cal. Close R., 1247–51*, 188.

[4] Possibly there were two charters confirming this privilege. In the Close Roll of 35 Henry III a mandate to the sheriff, tested at Windsor 29th April, 1251, to permit William de Ferrers II to have " his serjeants to keep the peace between Ribble and Mersey " in the same manner as Ranulf earl of Chester had been accustomed to have them, is altered to the form of a charter, with a note that it had been corrected by John de Lexinton, the custodian of the great seal (*Cal. Close R., 1247–51*, 436) ; but according to R. Stewart-Brown this does not appear in the Charter Roll (*op. cit.*, 52, n. 1, 128–9). In the Patent Roll of 36 Henry III there are two entries : first a grant, dated 13th December at Clipston, to William de Ferrers " that he and his heirs for ever have their serjeants *to keep the king's peace*

In spite of this confirmation, the new lord, in the exercise of his privilege in West Derby, soon came into conflict with the inhabitants. At first they refused to give his officers puture, but the king took the earl's part, and in July 1252 addressed a strongly worded writ to the sheriff ordering him to compel the men of the country to afford to the lord's serjeants the same facilities in the matter of food and other things as they had been wont to render in the time of earl Ranulf.[1] Nevertheless, opposition to the lord's bailiffs continued. Within a year or two the people of West Derby were even contesting Ferrers' right to appoint them, and claiming to have bailiffs chosen by themselves. In a plea brought before the King's Bench they complained that the earl was forcing them by distresses to receive a grith serjeant "whom he had appointed at his discretion" (*quem voluerit ille constituere*), whereas, they asserted, it had been proved in the king's court *coram rege*, by a jury to whom the question had been submitted with the consent of the parties, that the men of the hundred had always had and ought to have the liberty of electing, with the advice and consent of the sheriff, grith serjeants who should and ought to keep the king's peace and who should answer for them if the king's peace were not well kept.[2] Unfortunately the issue raised by this interesting claim failed to reach a decision. The earl denied the distraints alleged and was ordered to wage his law, but he died before the case could be determined.[3]

Henceforth the right of the lord to appoint his own bailiffs remained uncontested. For the next century and a half the hundred was almost continuously in the hands of powerful magnates who, it may be safely assumed, were not less determined in maintaining their privileges than their predecessors had been. During the minority of William de Ferrers' heir Robert, the wardship of the lands between the Ribble and the Mersey was entrusted to Henry III's eldest son Edward, whose officer, Henry de Lea, was in 1257 acting as lord's bailiff in all the three hundreds, answering for the perquisites of the courts, rents and other issues.[4]

in their land between Ribbel and Merse" as Ranulf and others his ancestors had, which is annulled and replaced by another grant, dated 14th December, permitting William and his heirs to "have their serjeants" (simply, without any mention of the king's peace) in the same land (*Cal. Pat. R., 1247–58*, 120, 129). The revised form was no doubt intended to reserve the jurisdiction of the royal serjeanties.

[1] *Ibid.*, app. III, No. 31, (ii). The sheriff was bidden so to act in carrying out this command that no further complaint on the subject should reach the king through his neglect.

[2] Curia Regis R., 150, m. 3; 151, m. 4d.; 152, m. 9; *Abbrev. Plac.*, 142.

[3] R. Stewart-Brown, *op. cit.*, 52. According to Mr. Stewart-Brown no record of the earlier decision alleged by the men of West Derby is to be found in the rolls of the previous two years, and no further reference to the case in the rolls of the following year; p. 52n.

[4] *Lancs. Inquests*, I, 205–7. The king's bailiff in W.D. at that time was Wm. de Walton.

Within a few years after his coming of age Robert lost his estates in consequence of his participation in the baronial revolts of 1265–6. They were transferred to the king's second son Edmund (though without the hundred of Leyland which had been alienated by Robert to his brother William de Ferrers of Groby) about a year before Edmund was made lord of the honour and earl of Lancaster.[1] He held the hundreds of West Derby and Salford for thirty years, and while there is no reference to any seignorial bailiff in Salford during that period, an inquisition taken after Edmund's death shows that he had officers of his own appointment in West Derby. After stating that William son of Richard de Walton, "who ought to be bailiff in fee of the crown and hold the master serjeanty of the whole wapentake", was a minor and in ward to the king, and that there used to be a (sub-) bailiff in fee holding two bovates in (the manor of) West Derby for doing duty in the wapentake—which bovates "are now in the lord's hands"— the jury testified that the lord had two bailiffs "at will", one on horse and one on foot, *ad faciendum officium wapentach'*.[2]

From Edmund the honour of Lancaster descended to his son earl Thomas, whose right to appoint bailiffs was implicitly recognized in a statement made by another Lancashire jury in 1327, when the earl's forfeited lands were restored to his brother Henry. In answer to the question whether earl Thomas had died seised of the two wapentakes, the castle and borough of Liverpool, and other lands and tenements between the Ribble and the Mersey, the jury refused to speak precisely on the matter, but asserted that about seven years before the earl's death Robert de Holland had entered into those wapentakes and other estates and had borne himself therein as lord, making and appointing his bailiffs and ministers and taking the profits and issues, though without any charter or other warrant granted him by the earl.[3]

The distinction between the two bailiwicks in the hundred is made clear in subsequent records, and is apparent throughout the fourteenth and fifteenth centuries. On the accession of Henry of Hereford the possessions which he inherited from John of Gaunt, including the county palatine of Lancaster, were incorporated in the duchy of Lancaster, and secured to him by a title independent of that to the royal estates. They thus remained under separate administration, so that while the hereditary office of king's bailiff continued to be filled by the Waltons, the king, as duke, retained the seignorial bailiffs. The dual arrangement

[1] *E.H.R.*, X, 31. As to the exalted position which earl Edmund held in Lancashire, see above, p. 8.

[2] *Cal. Inquis.*, III, 299; *Lancs. Inquests*, I, 288. It is possible, of course, that during the minority of William de Walton these officers performed the duties of the royal as well as those of the lord's serjeant.

[3] *Ibid.*, II, 222.

was not terminated after the surrender of the royal bailiwick to the crown (probably about 1414), for the accounts of the duchy regularly distinguish the revenue collected by " the king's bailiffs " from that answered for by " the bailiffs of the wapentake ".[1]

As in the case of the royal bailiwick the practice of farming the seignorial office probably began early in the fourteenth century. It is first in evidence in 1323–4, when Thomas of Lancaster's estates were in the hand of the king's receiver, the lord's bailiwick being then let for a yearly payment of 80*s*.[2] But probably because the opportunities of profit were progressively diminished, the farm was later reduced and then remitted. Towards the end of the century the office was let for £2 a year only, and in 1399–1400 it was granted free to Richard Urmston for life.[3] Later bailiffs found so much difficulty in collecting the dues that one in 1425 died in prison owing arrears amounting to £82 14*s*. 6½*d*., while his successor was outlawed for a debt of £6 17*s*. 0¾*d*.[4] Finally it was found necessary to offer some remuneration to ensure the efficient discharge of the functions. In 1440–1, and again in 1444–5, Geoffrey Mossock and William del Greves, who were apparently joint bailiffs, received a " wage " of 2*d*. a day, in addition to 20*s*. a year as a " reward ", for " performing the office by agreement made by the Council of the Duchy ".[5]

2. Leyland

(*a*) *The King's Serjeanty*

The hereditary serjeanty of Leyland had, at least originally, no land endowment. Its first recorded holder was Gerald de Clayton, to whom it was granted by John, count of Mortain, while he was lord of the honour of Lancaster in Richard I's reign, and confirmed when John became king. Gerald's son Robert succeeded to the bailiwick between 1213 and 1215, and some years later it was reported that he " ought to keep ward of the wapentake of Lelandsire in fee ", but held no tenement of the king.[6] Some time before 1246 he had sold his office to William de Ferrers I,[7] then lord of the three hundreds of West Derby, Leyland and Salford, and in that year Henry son of Wenne appeared before the itinerant justices as the bailiff of Leyland, no doubt in the capacity

[1] D.L. Mins. Accts.; cp. *Lancs. Inquests*, III, 79, 183–9; 194.

[2] *Lancs. Inquests*, II, 207–8.

[3] D.L. Mins. Accts., 728/11987. Receiver's Valor, D.L., North Parts.

[4] *Ibid.*, 100/1790. The bailiffs concerned were William Gregory (1424–5) and Thurstan Pemberton (1425–6). Edward Parr, who was bailiff in 1450–1, was also committed to gaol (at Halton) " for a debt of account "; *ibid.*, 100/1087.

[5] *Ibid.*, 100/1790, 1796.

[6] *Lancs. Inquests*, I, 33, 132.

[7] *Lancs. Ass. R.*, I, 66.

of the earl's deputy, and probably, as will appear later, acting as king's bailiff and lord's bailiff at the same time.[1] From this point the serjeanty descended with the hundred in the direct line of the Ferrers until some time before 1266, when Robert, the grandson of William, granted all his possessions in Leyland and the manor of Bolton to his brother William de Ferrers III, the ancestor of the Ferrers of Groby.[2] This William's son, also called William, sold or mortgaged his lands between the Ribble and the Mersey in 1296 to Richard de Lothburg, by whom they were apparently conveyed to Henry de Lacy, earl of Lincoln, for about six years later the earl gave Bolton, Chorley and the wapentake of Leyland to his seneschal of the honour of Clitheroe, Robert de Hepwall, and his wife Margaret. After Hepwall's death Margaret, who had since married Sir Adam Banaster, was described as " lord of Leylandshire ",[3] and when she died, *c.* 1330, her right descended in equal portions to her four daughters: Alice, the wife of Sir Robert de Shireburne; Agnes, who had married first Sir Henry de Lea, and afterwards Robert de Horncliffe; Joan, the wife of Thomas (or Robert) de Arderne; and Katherine, whose husband was Sir John Harrington.[4] It is in connection with this divided ownership of the hundred that references to the bailiwick begin to reappear. In 1348, for example, " Sir John de Harrington and his parceners, bailiffs in fee ", are represented as paying to the crown a fine of one mark for permission to appoint a deputy, a payment which appears to have been rendered annually and was subsequently called a " deputy mark ".

Margaret's right and that of her daughters to the hundred and the serjeanty was, however, disputed by Henry de Ferrers, son and heir of William de Ferrers, in 1329 and 1330, and again from 1354 onwards by Henry's son, Sir William de Ferrers of Groby. By this time the shares of Joan and Agnes appear to have been united in the possession of the Ardernes, partly through the marriage of Joan to Thomas (or Robert) de Arderne, and partly as the result of settlements made by her sister. These portions Sir William de Ferrers apparently succeeded in recovering, possibly by agreement or compromise, for on his decease in 1371 he was found to hold, in possession or in reversion, a moiety of Chorley and Leyland hundred, part of it being held of him by John de Arderne for the

[1] *Ibid.*, I, 60. In 1257 the duties of the bailiff were discharged by Henry de Lea, as representative of Robert de Ferrers' guardian, Prince Edward. *Ibid.*, I, 207.

[2] T. C. Porteus, *The Hundred of Leyland*, 16–19 (*Chet. Misc.*, N.S.V). William de Ferrers III had inherited Groby in Leicestershire from his mother, Margaret of Groby.

[3] 1324. *Lancs. Inquests*, II, 167; *Cal. Misc. Inquis.*, II, No. 787.

[4] Margaret was married three times, Robert de Hepwall being her second husband. Alice, Agnes and Joan were her daughters by her first husband, Sir John de Blackburn of Wiswell, while Katherine was the issue of her third marriage with Sir Adam Banaster.

term of his life. On the death of John de Arderne in 1392, the Ferrers family had full seisin of one-half of the hundred.[1] In 1445 this moiety became the property of Sir Edward Grey in right of his wife Elizabeth de Ferrers, but was forfeited about forty years afterwards by Thomas Grey, the marquis of Dorset, and granted to Lord Thomas Stanley. It remained with the earls of Derby till 1596. Meanwhile the other two quarters of the hundred continued as separate possessions until 1574. Katherine's portion descended to the Harringtons of Hornby, from whom, towards the end of the fifteenth century, it passed to the Stanleys through the marriage of Anne Harrington to Sir Edward Stanley, afterwards called Lord Mounteagle. It was sold by William Stanley, third Lord Mounteagle, to Sir Richard Shireburne in 1574. As Sir Richard was already the owner of the remaining quarter, having inherited it from Sir Robert de Shireburne and Dame Margaret's eldest daughter Alice, he thus became the lord of the second moiety of the hundred.[2]

As already stated, the bailiwick was not originally attached to any holding of land, but from the latter part of the fourteenth century it is found to be clearly associated with the tenure of the manor of Chorley. Thus it was reported that Henry de Ferrers of Groby, who died in1388, held his part of Chorley of the duke of Lancaster " by the service of finding a bailiff in the king's bailiwick in Leylandshire ; [3] and in 1476 the lords of the hundred and " their common ancestors of time that no mind is " were described as " bailiffs of the wapentake of Leylandshire . . . by reason of the manor of Chorley given unto one of their said ancestors for exercising the said office ".[4] How the connection came about is not

[1] With the exception of a fraction of the manor of Chorley, which was in the hand of a certain William de Chorley. This, however, came into the possession of the Shireburnes, who acquired the other moiety of the hundred. See Porteus, *op. cit.*, 96–8.

[2] The lordship of the hundred continued to be divided in this way for two hundred and fifty years, until it was re-united by purchase. The Ferrers' share was sold by William, sixth earl of Derby, to Edward Rigby of Burgh in Duxbury in 1596. On the dispersal of the Rigby estates in 1731 it was bought by John Gillibrand, the owner of Chorley Hall. Meanwhile, in 1717, the Shireburne moiety had descended by inheritance to Mary, daughter of Sir Nicholas Shireburne and wife of Thomas, duke of Norfolk, who on her death in 1754 bequeathed it to her next of kin, Edward Weld (?), the issue of her aunt Elizabeth (sister of Sir Nicholas), the wife of William Weld of Lulworth. Its reunion with the Ferrers moiety came about in 1825, when it was sold by the Welds to Thomas Gillibrand.

[3] *V.C.H. Lancs.*, VI, 132, quoting Chan. Inq. p.m., 11 Ric. II, no. 26.

[4] Porteus, *op. cit.*, 68, quoting D.L. Chancery Rolls, 51, m. 26. The connection is attested by later inquisitions. After the death of the second earl of Derby in 1521, his interest in the Ferrers moiety was said to include " the whole manor of Chorley ", which was regarded as held of the king by the service of finding a bailiff of the wapentake ; while Edward Rigby, who had purchased the Ferrers share, was found to have died in 1629 seised of a moiety of Chorley " by being bailiff of the wapentake and by the two-hundredth part of a knight's fee " ; *V.C.H. Lancs.*, VI, 132.

clear. Mr. Porteus has suggested that " either Chorley was the original endowment of the king's serjeanty in the hundred, though this is not expressly stated in the records, or at some later date the bailiwick and the manor were taken into the king's hands and regranted to Clayton or Ferrers, making the serjeanty the service due to the king for the manor ".[1] The first of these alternative explanations seems scarcely tenable in view of the express statement in the *Liber Feodorum* that Robert de Clayton, " who ought to keep ward of the wapentake of Lelandsire in fee ", held " no tenement of the king ".[2] Further, in 1246, when the men of Leyland hundred made their report on their serjeanty to the justices in eyre, they made no reference to any land endowment,[3] though in the other hundreds in which serjeanties were attached to holdings, viz., West Derby, Blackburn and Amounderness, and Lonsdale, the juries all specifically mention the fact.[4] If at this later date the Leyland office was a duty charged upon the holder of the manor of Chorley, or of land in Chorley, it seems hardly likely that the connection would not have been recorded. Moreover, the same jury of Leyland reported that Robert de Clayton had sold the bailiwick (*baliuum*) to William de Ferrers before 1246, but there is no evidence to show that Chorley was either wholly or in part in the possession of any member of the Ferrers family until afterwards. The manor was parcel of the lordship of Croston and of the Montbegon fee of Hornby, and was held, in 1242–3, by John de la Mare.[5] The Ferrers' tenure of the manor first becomes apparent in 1251, at which date a grant of free warren to the second William de Ferrers suggests that he had somehow acquired the immediate lordship.[6] Whether the manor and the serjeanty were subsequently resumed by the crown and the latter regranted as annexed to the former, can only, as Mr. Porteus indeed recognizes, be a matter of conjecture.[7]

(*b*) *The Seignorial Serjeanty*

Of the seignorial serjeanty of Leyland little can be said with certainty. No doubt at first the office was filled by nominees of Ranulf, earl of Chester, and for some time by those of William de Ferrers I ; but, as explained above, the latter became himself the king's serjeant by purchase from Robert de Clayton, and it is probable that from about

[1] Porteus, *op. cit.*, 68.
[2] *Lancs. Inquests*, I, 132.
[3] *Lancs. Ass. R.*, I, 66.
[4] *Ibid.*, I, 79, 97, 109.
[5] *V.C.H. Lancs.*, I, 322 ; *Lancs. Inquests*, I, 145.
[6] *Cal. Chart. R.*, I, 373.
[7] The bailiwick of Leyland is not recorded among the possessions of the third William de Ferrers in his inquisition *post mortem*, 1288, though he is said to have held " the Liberty of the Wapentake of Leyland " of Edmund, earl of Lancaster, and the vill of Chorley " of the inheritance of William de la Mare " " by homage and service of 20*s.* yearly." *Lancs. Inquests*, I, 269, 271.

1246 onwards his seignorial serjeant acted also as deputy in the royal bailiwick. The dispute in which Ferrers became involved with Henry III in 1241–6, and his usurpation of the under-bailiwick of West Derby, lend colour to the belief that his object in acquiring the hereditary office in Leyland was to secure for himself more complete control over the administration of the hundred, and in any case reasons of convenience would probably lead to a combination of the two bailiwicks. Thus Henry son of Wenne may have been acting as both royal and seignorial representative when he was sworn as bailiff of Leyland before the justices in 1246;[1] and eleven years later Henry de Lea, who accounted to Prince Edward for the lord's revenues from the three hundreds inherited by Robert de Ferrers, may also have served in Leyland as the deputy royal bailiff.[2] It is impossible, however, to be positive about the dual capacity of these or later serjeants, since, though no evidence has been discovered to show that the two bailiwicks were discharged by different persons after 1246, none of the recorded bailiffs can be proved to have performed the functions of both offices. The difficulty of determining the question is increased by the alienation of Leyland from the Ferrers' fief before 1266, as a consequence of which the ministers' accounts of the duchy, so helpful in the case of West Derby, afford us here no guidance. The duchy exchequer was concerned only with the king's bailiwick, that is to say, only with those issues of the hundred which were transferred to the earl or the duke by the crown.[3] No record of the lord's revenues from the hundred after 1257 appears to be extant.

The delegation of the functions of the bailiwick to a deputy or deputies no doubt began with the acquisition of the office by earl Ferrers, whose dignity and extensive possessions would render such a course almost inevitable. His representative in 1246, as stated above, was Henry son of Wenne. Similar considerations would account for the appointment of Henry de Lea as acting bailiff when the wapentake was in the hands of Prince Edward during the minority of Robert de Ferrers. Under William de Ferrers III Henry de Langtree[4] and John de Faring-

[1] *Lancs. Ass. R.*, I, 60.

[2] *Lancs. Inquests*, I, 207. Robert de Ferrers, who succeeded his father William de Ferrers II in 1254, was, until 1262, a minor and in ward to Prince Edward.

[3] Thus in 1348 the bailiff of the wapentake of Leylandshire answered for the rents of four burgages in Chorley, the perquisites of nine county courts, of two sheriff's tourns, of writs and pleas of *vetiti namii*, as well as for the fine of the co-parceners of the hundred, " bailiffs of fee," for licence to appoint a deputy; *Lancs. Inquests*, III, 183. In 1440–1 the bailiffs of the " king's bailiwick of Leylandshire (also co-parceners of the hundred) by their deputy rendered account of " rents of assize with the perquisites of the county courts ", perquisites of the tourn and " of wards, marriages, reliefs, chattels forfeited, waifs, strays and other casualties " ; D.L. Mins. Accts., 100/1790.

[4] *Cal. Misc. Inquis.*, I, 585–91.

ton [1] were serving the office in 1276 and 1278 respectively. When the bailiwick was partitioned among the co-heiresses of Lady Margaret Banaster, they (or their representatives) were required to pay a fine of one mark for licence to appoint a deputy. It is not known how or when this exaction originated, but the receipt of the " deputy mark " is recorded in the ministers' accounts of the duchy down to the reign of Elizabeth.[2] Nor does it appear whether the deputy held his appointment at farm or received any remuneration beyond the perquisites of the office.[3]

3. Salford

The Master Serjeanty

The master serjeanty of Salford, which was originally a hereditary office, is first mentioned in 1199, when it was confirmed to Elias, son of Robert de Pendlebury, and his heirs by King John.[4] Like the corresponding office in Leyland, it was not attached to any holding of land, for though on the same day Elias had a confirmation of a previous grant of a ploughland in Pendlebury, this was a separate enfeoffment.[5] Its heritable character was not of long duration. After Elias's death in or before 1216, the serjeanty passed to his son Adam, but was confiscated " on account of the war moved between the lord King John and his English barons ". A mandate for its restoration, addressed to the sheriff and dated 23rd July, 1218, is enrolled in the Close Rolls, but marked as cancelled,[6] and, according to the inquests of service of 1222–6, the office was then held by Richard de Hulton " at the will of the king ".[7] Henceforward it is never described as a serjeanty of fee.[8]

As already indicated a separate baronial serjeanty in this hundred, as in West Derby and Salford, is evident in connection with the lordship of earl Ranulf and William de Ferrers, and reasons have been given for believing that before the death of the latter the functions of both the royal and the seignorial bailiwicks of Leyland were performed by a single officer. Such a unification of the hundred administration in Salford is clearly demonstrated in records of the fourteenth and fifteenth centuries, and may have been effected by the same magnate, if not by earl Ranulf. Now that the king's bailiwick had ceased to be hereditary

[1] *Lancs. Ass. R.*, I, 156. [2] Porteus, *op. cit.*, 69.

[3] In the time of Elizabeth, the acting official was required to enter into a bond of £20 for the due performance of his duties; *ibid.*, 112.

[4] *Rot. Chart.*, 27. In 1205 John extorted a fine of 10 marks from Elias for a further confirmation of the serjeanty; *Lancs. Inquests*, I, 1; *Lancs. Pipe R.*, 204.

[5] *Ibid.*, 26; *Lancs. Inquests*, I, 68–9; *Lancs. Pipe R.*, 116.

[6] *Rot. Litt. Claus.*, I, 366.

[7] *Lancs. Inquests*, I, 133; *Bk. of Fees*, I, 369, where the date is given as 1226–8.

[8] At the assizes of 1246 Salford was the only hundred of Lancashire whose jury did not report that the ward of the wapentake was kept by a hereditary keeper of the peace.

and had come to be filled by temporary servants, it may not have been difficult for a powerful and ambitious lord like Ranulf or Ferrers to contrive that the person whom he had chosen to be his own bailiff should take on the work of the royal bailiff too. However that may be, the functionary who appeared before the itinerant justices in 1246 to be sworn as *capitalis balliuus* of Salford was Henry son of Wenne,[1] who, as shown above, was also sworn as bailiff of Leyland and was almost certainly Ferrers' nominee.

After 1267 the right to elect to both the seignorial and the royal bailiwicks was as a matter of course vested in Edmund Crouchback, for, besides being lord of the hundred, he was lord of the whole honour and earl of Lancaster with power to act as sheriff. This unified control over the hundred was strengthened sixty years later when Henry of Lancaster, on being restored to his brother's forfeited estates, was granted the return of all writs, pleas of *vetiti namii* and the fines and amercements of his tenants condemned in the king's courts ; and still further reinforced in 1342, when he was given the right to execute summonses of the exchequer, to make attachments of crown pleas and to receive the chattels and other forfeitures of felons and fugitives.[2] In consequence of the concentration of the lord's and the sheriff's power thus brought about, both the baronial revenues and the royal issues of the hundred were accounted for to the earl (and later the duke) of Lancaster by the bailiff of a single " bailiwick of the wapentake ".[3]

The combined serjeanty was important enough to be sought after by people of the standing of the Hollands. Under earl Thomas it was for a time held by William de Holland,[4] probably the brother of Sir Robert who captured and executed Sir Thomas Banaster after the Banaster revolt. In 1320 it was granted, along with the bailiwick of Lonsdale, to Sir Robert himself,[5] though, if the jury of the inquisition *post mortem* of Lancaster is to be believed, the earl's favourite had taken possession of the wapentake some seven years earlier, appointing his bailiffs and ministers and taking all the issues and profits, without his master's warrant.[6] When Edward II confiscated the possessions of Lancaster and Holland for their treason in 1322, he first farmed out the

[1] *Lancs. Ass. R.*, I, 60.

[2] Wm. Hardy, *Charters of the Duchy of Lancaster*, 1–2.

[3] See, for example, D.L. Mins. Accts., 32/17 (1348), printed in *Lancs. Inquests*, III, 189–93 ; and *ibid.*, 100/1790 (1440–1) transcribed in the Farrer MSS.

[4] *Cal. Pat. R., 1317–21*, 431. Adam de Radcliffe is named as the " bailiff of Salfordeshire " in 1301, convicted of putting " suspected men on the panel of a certain assize ". William de Cumberhalgh and Roger de Bolton, " bailiffs " (probably assistants), were also amerced for neglecting to execute a writ ; Ass. R., 1321, m. 11 ; 418, m. 12d.

[5] *Ibid.*, inspeximus of the grant.

[6] *Lancs. Inquests*, II, 221–3.

serjeanty for an annual sum of £16,[1] and then, in 1326, leased it, together with the wapentake and borough of Salford and the manor of Hope, to Robert de Leyburn for life at a yearly rent of £100, less £40 which Robert was to retain " for good services rendered ".[2]

The practice of farming the bailiwick was resumed by Henry of Lancaster, who shortly before his death assigned it for a term of years to William de Parr.[3] In 1346 Henry's son, Henry of Grosmont, apparently renewed the lease for six years, but increased the farm from £13 6*s*. 8*d*. to £16 13*s*. 4*d*.[4] During the fifteenth century there was a decline in the value of the office similar to that which has been noted in the case of the seignorial bailiwick of West Derby. In 1413 it was granted to Roger Lever free for life, having been " lately let to farm " for £9 6*s*. 8*d*. Nevertheless the duchy council had to withdraw the contract as Roger failed to account for the issues and was in debt to the exchequer to the amount of £44 13*s*. 1*d*. The arrears of Roger's successor, Elias Chatterton, also steadily mounted until they reached the sum of £34 10*s*. 2*d*. in 1438. Ralph Ellis was then appointed bailiff of " the king's wapentakes [*sic*] of Salfordshire " for ten years, with permission to take £4 a year from the fines, rents, farms and amercements for his services, on condition that he rendered " a faithful account from year to year of all that which pertains or can pertain to the lord King thereof during the said term ". His account for 1440–1 shows that the yield from the rents and judicial perquisites was still diminishing.[5]

4. Amounderness and Blackburn

(*a*) *The King's Serjeanty*

The king's bailiwicks of Amounderness and Blackburnshire were served by a single hereditary serjeant, whose office was attached to half a ploughland in Little Singleton. The serjeanty is first mentioned in 1205–6, when Richard son of Uctred proffered five marks for its recovery after it had been taken into the king's hand,[6] though it had probably been in existence for more than forty years.[7] Uctred was the lord of the manor of Broughton, having been confirmed in possession thereof

[1] *Ibid.*, 205.

[2] *Ibid.*, 204 n. Leyburn had been active in suppressing the revolt of 1322.

[3] *Ibid.*, III, 96. Prior to this, in 1344, Robert, son of Roger de Radcliffe of Ordsall, is described as " the bailiff of Salfordshire and Derbishere " ; Ass. R., 1435.

[4] *Ibid.*, III, 193.

[5] D.L. Mins. Accts., 100/1790.

[6] *Lancs. Pipe R.*, 204 ; *Lancs. Inquests*, I, 192.

[7] It is not known how or when the half-ploughland in Singleton came into Uctred's possession, but it seems probable that it was granted him by William, count of Boulogne (i.e., between 1153 and 1160), to be held in serjeanty. In 1168–9, when an aid was levied by Henry II on the occasion of his daughter Matilda's marriage to Henry the Lion, duke of Saxony, Preston and certain other " towns " in Amounderness together contributed £10, while Uctred de Singleton rendered

by William, count of Boulogne, between 1153 and 1159,[1] but he and his successors assumed the surname Singleton from the smaller estate which they held in serjeanty. In the earliest inquests of service which have come down to us only the bailiwick of Amounderness is specifically associated with Little Singleton ;[2] in Blackburnshire Alan de Singleton (son of the above-named Richard) is said to have the "wapentake" in fee, but "he holds nothing of the king".[3] Nevertheless, the connection of the double serjeanty with the tenement in Little Singleton is demonstrated in the inquisition *post mortem* of the same Alan in 1244, which proved that he "held half a carucate of land in Singleton of the king by reason of the serjeanty of the fee of the wapentakes of Amunderness and Blakeburneshire by right of inheritance";[4] and in the *Quo Warranto* trials of 1292 the claim of Alan's great-grandson Thomas to be the king's bailiff in both hundreds was upheld by the jury on the ground that he and his ancestors had held the manor of Little Singleton "with the aforesaid serjeanty annexed and appurtenant to the same manor" from time immemorial.[5]

From the Singletons the office passed *c.* 1303 to the Banasters of Bretherton through the marriage of Thomas's sister and heiress Joan to Thomas Banaster.[6] About a century later it came into the possession of the Balderston family, Constance, the heiress of Edward Banaster, having married William de Balderston before 1400.[7] After the death of William's grandson William in 1462 the serjeanty was held by his two daughters, Joan and Isabel, and their husbands, Sir John Pilkington and Robert Harrington respectively,[8] and for the next hundred years it

account of £20. (*Lancs. Pipe R.*, 12.) This sum could not have been Uctred's own contribution, and was more likely the amount assessed on the free tenants of the royal demesne in the wapentake, and collected by Uctred as the serjeant or bailiff.

[1] *Lancs. Pipe R.*, 430.

[2] *Lancs. Inquests*, I, 52 (1212); 121 (1216–22, 1222–6).

[3] *Ibid.*, 134.

[4] *Ibid.*, 160; cp. *Lancs. Ass. R.*, I, 97 (1246); *Lancs. Inquests*, II, 160 (1323) and *ibid.*, III, 113 (1346).

[5] *Placita de Q.W.*, 388a.

[6] *V.C.H. Lancs.*, VII, 118. In 1303 Joan, widow of Thomas Banaster, made a settlement of Little Singleton and other lands with remainders to her sons William and Adam. *Lancs. Fines*, I, 201.

[7] Abram, *Hist. of Blackburn*, 414.

[8] Joan and Isabel were the daughters of the younger William Balderston by his second wife Margaret, daughter of William Stanley. Joan had previously been married to Sir Ralph Langton, who had evidently died in or before 1462, as in that year there was a dispute as to the right to the office of bailiff in Blackburnshire and Amounderness, Joan, "late wife of Ralph Langton", and Isabella (wife of Robert Harrington) claiming it by inheritance against one Giles Beeston. The parties were summoned to declare their titles before the Duchy Court, and as Giles did not appear, the sheriff was ordered to proclaim in all the market towns of the county that the people were to recognize the right of Joan, Isabel and Robert to the bailiwick, while Giles was to be arrested if he interfered with them or their officers in executing the office. *Lancs. Inq. p. m.* II (Chet. Soc., O.S., XCIX), 71–2.

continued in divided ownership. Isabel's moiety descended to her son James Harrington but on the latter's attainder for treason in 1487 it escheated to the crown and was two years later given to Sir Thomas Stanley, first earl of Derby. Though James's attainder was reversed in 1503, he was not allowed to recover his share of the serjeanty.[1] Meanwhile his aunt Joan had died *c.* 1498, bequeathing to him the other half of the bailiwick along with her other estates. This moiety was apparently seized by the earl, but it was subsequently restored to James by a decree of the duchy court.[2] After his death in 1512 a further division took place. His share was inherited in two equal portions by his next of kin, the heirs of his great-aunts Elizabeth and Ellen Balderston, the wives of John Osbaldeston and Sir Thomas Radcliffe of Winmarleigh,[3] so that henceforward the bailiwick descended as to one moiety with the other estates of the earls of Derby, and as to the halves of the other moiety with the property of the Osbaldestons and the Radcliffes.[4] The serjeanty came once more into single ownership in 1565 by its assignment to Edward, third earl of Derby, on a re-partition of the Balderston estates.[5] Little Singleton was still described as having attached to it the duty of " being bailiff of the king in his wapentakes of Amounderness and Blackburnshire " in 1594, being then in the tenure of Ferdinando the fifth earl. In 1602 the manor was sold by the earl's heirs to William Hesketh of Little Poulton.[6]

Though the hundreds of Blackburn and Amounderness were served by the same hereditary serjeant, they were, for the purposes of local government, distinct areas, and it is highly probable that from the second half of the thirteenth century, the duties of the bailiwicks were per-

[1] *V.C.H. Lancs.*, VI, 316; *Rot. Parl.*, VI, 555b.

[2] *V.C.H. Lancs.*, VI, 316, quoting D.L. Decrees, Hen. VII, vol. III, fol. 206b.

[3] James Harrington was the parson of Badsworth in Yorkshire and apparently unmarried. His grandfather William had, besides the two sisters Elizabeth and Ellen above named, a brother Richard and another sister Isabella, both of whom had died without issue before 1462; *V.C.H. Lancs.*, VI, 316; Abram, *op. cit.*, 414. Abram mistakenly asserts that Elizabeth, Ellen and Isabella were co-heirs, with William, of Richard Balderston their father.

[4] In 1521 Thomas Stanley, second earl of Derby, died holding " a moiety of the manor of Little Singleton " " of the King as of his Duchy by serjeanty, viz., being bailiff of the King of his wapentakes of Amounderness and Blackburnshire "; while in the same year. Thomas Radcliffe of Winmarleigh died holding a fourth part of Little Singleton, by the same service; *V.C.H. Lancs.*, VII, 70, quoting D.L. Inq., p.m., V, nos. 68, 3. When Alexander Osbaldeston died in 1554 he was said to be seised of a fourth part of the manor of Balderston and of 60 messuages in Balderston, Little Singleton and elsewhere, though the bailiwick is not mentioned in his case; *V.C.H. Lancs.*, VI, 316, n. 55; VII, 70, n. 18.

[5] *Ibid.*, VI, 316; VII, 70, quoting D.L. Plea R., 216, m. 10.

[6] *Ibid.*, VII, 185, and n. 24.

formed by separate representatives of the one serjeant. How the custom of appointing deputies in one of these wapentakes began was explained by a jury in a case prosecuted in the king's court in 1334. Complaint having been made that John and Nicholas Banaster, the tenants of Little Singleton, had put the bailiwick of Amounderness to farm to Henry de Bickerstaff for £20, the defendants pleaded precedents dating back to the time of Alan de Singleton, the father of Thomas de Singleton whose claim to the office was allowed in the inquiry of 1292. Their contention was upheld by the jury, who asserted that Alan's predecessors had performed the functions in person at their own costs, but that Alan, who had succeeded in the time of Henry III, had appointed a deputy on account of the greater service rendered necessary by the increasing assarts and the growth of population. The deputy had paid Alan a certain yearly sum, and since his time the office had been let from year to year, each succeeding serjeant increasing the rent until it stood at £20.[1] Whether the appointment of a corresponding agent in Blackburnshire had begun at the same time is not recorded, but, as will be seen later, the two bailiwicks were the subjects of separate farms in the early part of the fourteenth century; and soon afterwards a fine of one mark was being exacted from the serjeant in respect of each hundred for permission to nominate a substitute.[2]

A further differentiation in the administration of these two hundreds is seen in the arrangements which obtained for the execution of the judgments of the wapentake courts and the collection of the purely hundredal revenues. In Amounderness this business was part of the responsibility of the hereditary serjeant or his deputy; in Blackburnshire it was the province of a separate seignorial bailiff. The distinction was due to the fact that in the one case the wapentake jurisdiction was retained (save for a short period to be noted presently) by the crown or the lords of the honour of Lancaster, while in the other it was delegated

[1] Coram Rege R., 297, Rex m. 21, m. 27 (1334). John and Nicholas Banaster were dismissed *sine die*. Henry de Bickerstaffe was committed to the marshalcy on a charge of extortion. He was probably the deputy bailiff of Amounderness in 1330, for in August of that year, according to another accusation made against him, he had abducted Sir Gilbert, a canon and the keeper of Cockerham, and detained him at Stalmine until he had made fine with the sheriff for 40*s*. and paid Bickerstaffe and his fellows 4 marks of silver (*ibid.*). As mentioned above (p. 14), Bickerstaffe had also taken a lease for 6 years of the king's serjeanty of West Derby in 1333. He and his underbailiffs were accused of extortions in this hundred also. *Ibid.*, R. m. 21.

[2] See, for example, the following ministers' accounts of the duchy: 32/17 (Various), 1348, printed in *Lancs. Inquests*, III (pp. 180, 183); 728/11987, 1400–1, of which extracts are given in Farrer, *Clith. Ct. R.*, I, 488; and 100/1790, 1440–1 (Farrer MSS.). The last-named account names Thomas Helme and Thomas Brown as the deputies of Richard Balderston in the king's bailiwicks of Blackburnshire and Amounderness respectively.

to the tenants of the inferior honour of Clitheroe. The origin and nature of these contrasting arrangements must now be explained.

(*b*) *The Seignorial Serjeanty of Blackburnshire*

The honour of Clitheroe originated between 1090 and 1095 in the grant by Roger of Poitou to Robert de Lacy of the Domesday hundred of Blackburn in Lancashire, the manors of Slaidburn and Great Mitton in Yorkshire, and the district of Bowland which stretched across the border between both counties. It derived its name from the fact that the grantee made the castle at Clitheroe its administrative centre. Subsequently it was extended by the addition of the manors of Chipping, Aighton and Dutton which were granted to Robert by Henry I, and of the Montbegon fee of Tottington which John de Lacy acquired from Henry de Monewden (Mungden) in 1235.[1] Except for a few years in William II's reign and the major part of Henry I's, the fief was held by the Lacys until the death of Henry de Lacy, earl of Lincoln, in 1311. At the time of the original creation of the honour Blackburn hundred lay entirely south of the Ribble, comprising the parishes of Blackburn and Whalley, but at some uncertain date not long afterwards the Lancashire portion of Bowland and the enfeoffments of Henry I (which were north of the Ribble) were attached to it, the whole thus forming a unit of local government within the honour, distinct from Tottington which was in Salford hundred, and from Slaidburn, Great Mitton and the rest of Bowland which were parts of the Yorkshire wapentake of Ewcross.

In this enlarged hundred the lords of Clitheroe claimed a prescriptive right to a court at Clitheroe castle, often described as the wapentake court of Blackburnshire. They had their own bailiffs to make distraints and attachments in matters within the jurisdiction of this court, which, according to a claim made by Henry de Lacy and supported by a jury of inquiry in 1292,[2] included offences against the assize of bread and ale, trespass of assault provided bloodwyte was not named, and theft if the thief was caught within the earl's fees with the stolen property in his possession. Pleas of the crown were not included. Persons accused of offences which could not be tried in the wapentake court had to be handed over to the king's bailiffs for custody, but the earl claimed that the latter should not enter the hundred to arrest or distrain unless they were accompanied by his own bailiffs.[3]

[1] *V.C.H. Lancs.*, I, 325.

[2] It is to be noted, however, that the earl's claims were apparently never conceded by the crown in their entirety. See below, pp. 45–6.

[3] *Placita de Q.W.*, 381–2. In making his claims to these liberties the earl of Lincoln complained that for fourteen years past the king's bailiffs had been making distresses and attachments without the presence of his own bailiffs.

In Amounderness, on the other hand, no such privileges could be claimed by any vassal of the honour of Lancaster after 1205. A subordinate barony had been created by John, count of Mortain, between 1189 and 1194, when Theobald Walter was given the town of Preston and the demesne lands of the hundred with the non-royal pleas of the wapentake,[1] but it lapsed on Theobald's death in 1205.[2] Presumably the grantee drew his hundred rents and the perquisites of his wapentake court through his own bailiff, but after his short tenure of the barony these profits were rendered to the king (as lord of the honour) by the sheriff,[3] and probably continued to be so paid until Henry III transferred the honour to his son Edmund in 1267. The necessity for a seignorial bailiff within Amounderness no longer existed, and it may reasonably be inferred that his functions devolved upon the hereditary serjeant.

This difference in the agencies by which the business normally belonging to baronial bailiffs was discharged in the two hundreds—a difference which, it is suggested, dates back to the reign of John—persisted down to the fifteenth century. While the combination of the royal and seignorial bailiwicks in Amounderness remained permanent, a discrete seignorial office was always maintained in Blackburnshire, even when the hundredal jurisdiction was, as in the adjoining hundred, in the hands of the lords of the superior honour of Lancaster, whether these were subjects of the crown or the reigning sovereigns. When, for example, the Clitheroe fief passed to Thomas of Lancaster in 1311, a lord's bailiff of the wapentake of Blackburn continued to function. This is implied in the return of an inquest taken after the death of William Banaster who had been the hereditary bailiff from *c.* 1303 to 1323. In defining the duties attached to " the bailiwick of the king's serjeanty ", the jury specifically included the execution of the judgments of the wapentake court of Amounderness, but made no mention of the corresponding tribunal of Blackburnshire.[4] Further evidence to the same effect is doubtless to be seen in the detailed accounts rendered by the keepers of the earl's possessions after these had been forfeited to the crown. " The bailiwick of the serjeanty of the *whole* wapentake of Amounderness " is shown to have been let to farm for the comprehensive sum of £16,[5] and the deputy retained the perquisites of the hundred courts as well

[1] The grant was forfeited when John became king but was restored in 1202. *Lancs. Pipe R.*, 81.

[2] Theobald was deprived of the hundred *c.* 1200 for various acts of injustice to the mesne tenants, but had it restored to him soon after. *Ibid.*, 120, 196, 211–12.

[3] *Ibid.* 206, 217, 223, 230, 236, 240, 253.

[4] *Lancs. Inquests*, II, 160.

[5] This was subject to a remission of 13*s.* 4*d.* a year " for collecting the rents and farms, as allowed in the time of the late earl " ; *ibid.*, II, 184.

as of the county courts and tourns, since none of these profits were handed over to the keeper. In Blackburnshire, on the other hand, there were separate farms of "the bailiwick of the king's serjeanty" and the serjeanty of the wapentake court, which were held on different terms. The former was let for £6 13*s.* 4*d.*, which entitled the acting bailiff to enjoy the perquisites of the county courts and the tourns;[1] for the latter the farmer paid £3 13*s.* 4*d.*,[2] but he accounted to the king's keeper for the profits of the hundred court.[3]

During the tenure of the Clitheroe estates by Queen Isabella to whom they were given by her son Edward III in 1327, the appointment of a seignorial bailiff responsible to her may be assumed as a matter of course. She resigned the honour in 1348 to Henry of Grosmont, who three years later executed a deed which puts the continuance of the lord's bailiwick beyond doubt. The earl granted *la Baillie del Wapentak de Blakeburnshir*—which must be the baronial office, since the royal serjeanty was still in the possession of the Banasters—in four equal parts to the abbot of Whalley, Gilbert de la Legh, John de Altham and Richard Towneley for an annual rent of 5½ marks, on condition that they and their successors or heirs should find one riding and two foot bailiffs, who were to be presented yearly at Michaelmas before the earl's seneschal in his court at Clitheroe.[4] The abbots of Whalley held their fourth part until the dissolution of the monastery.[5] A bailiff elected by the successors to the other three quarters is said to have attended the court of the hundred till near the middle of the nineteenth century.[6]

[1] *Ibid.*, 202.

[2] *Ibid.*, 186. The entry is: "farm of the serjeanty of the court there", i.e., at Clitheroe. The court must be the wapentake court, which was held at Clitheroe. The borough court of Clitheroe had been granted to the burgesses by Henry de Lacy between 1272 and 1291.

[3] *Ibid.*; £11 1*s.* 8*d.* was paid to the keeper in respect of the "perquisites of the court of Cliderhou".

[4] *Coucher Book of Whalley*, 1164–6.

[5] Except for two intermissions. Some time after 1351 the abbot's share was seized by the crown because Earl Henry (afterwards Duke) had alienated it without licence; but it was restored in 1362 in return for an annual rent to the king of 40*s.*, which was in addition to the payment of 18*s.* 4*d.* due to the duke; *ibid.*, 1166–7. In 1374 this quarter was again confiscated and retained till 1392, when it was regranted to the abbey in mortmain; *Cal. Pat. R., 1391–6*, 202.

[6] *Coucher Book of Whalley*, 1164 n. The Legh portion of the bailiwick descended with the Towneley portion in the Towneley family, and the remaining quarter passed with the manor of Altham to the Banasters and the Waltons. The payment of the rent of 5½ marks for the seignorial bailiwick does not appear in Farrer's transcript of the ministers' accounts of 1440–1, but the king's bailiwicks of the two hundreds are clearly distinguished. The acting bailiff for Amounderness accounts for the perquisites of 17 wapentakes in addition to those of 9 county courts and 2 tourns; the deputy in Blackburnshire accounts for the profits of the county courts and the tourns, but not of the hundred court. D.L. Mins. Accts., 100/1790.

5. Lonsdale

The King's Serjeanty

The hereditary master serjeanty of Lonsdale, with an endowment of three carucates in Nether Kellet, was granted to Adam, son of Orm de Kellet, by John, count of Mortain, before 1194 and confirmed on John's accession.[1] The grant and confirmation were cited by Adam's great-grandson Orm (III) in defence of his title during the *Quo Warranto* proceedings of 1292–3, but when the king's attorney put forward the rebutter that John had never been in seisin of the bailiwick either before or after he became king—a contention which, strangely enough, was supported by the jury—Orm attempted to strengthen his claim by affirming that his ancestors had held the office and certain tenements in Kellet since the time of the Conqueror. The case was adjourned and no final verdict is recorded,[2] but Orm remained in possession until about 1299, when he sold the manor to Thomas Banaster of Broughton and Singleton for £100.[3]

For the next few years the actual possession of the bailiwick is difficult to follow. The deed by which the manor of Nether Kellet was transferred to Thomas Banaster recited that he and his heirs were to hold it "in perpetuity of the chief lords of the fee by the services thereto belonging",[4] and presumably these services included the discharge of the bailiff's office in Lonsdale. Yet the change of ownership gave rise to a series of disputes from which it appears that Orm claimed some interest in both the manor and the bailiwick. First Banaster's entry was resisted by some of Orm's friends and the king's court had to order the sheriff with the *posse comitatus* to arrest the offenders and secure to the purchaser the full enjoyment of his rights.[5] Soon after this Banaster

[1] *Rot. Chart.*, xl; *Lancs. Inquests*, I, 87; *Lancs. Pipe Rolls*, 106. In the Great Inquest of Service, 1212, "Adam de Kellet, son of Orm," was found to hold "iij carucates of lands by serjeanty in the vill of Kelleth"; *Lancs. Inquests*, I, 86. Later inquisitions attest the possession of the bailiwick by this Adam's son Orm (*ibid.*, 122) and his grandson Adam (*Lancs. Ass. R.*, 61, 109–110).

[2] *Placita de Q.W.*, 384, 608.

[3] *Lancs. Fines*, I, 186. Two years earlier Orm de Kellet (III) was described as "bailiff of fee" in Lonsdale, holding "in [Nether] Kellet 3 carucates of land of fee, by making attachments of those things which belong to the crown"; *Lancs. Inquests*, I, 293, 294.

[4] *Lancs. Fines*, I, 186. The date given for this fine is 18 Nov., 1299 ("at York, in the Octave of St. Martin, 27 Edward I"), but the entry on the roll is probably a record of a contract made some time before. In a suit in the King's Bench at York in the preceding Easter term, it was stated that "Orm de Kellet in the King's court at Westminster (had) acknowledged (the manor of Nether Kellet) to be the right of the said Thomas and (had) rendered it to him, to have and to hold to the said Thomas of the chief lords, etc. for ever"; De Banco Rolls, No. 127, m. 119d.

[5] *Ibid.*

died and in 1300 his widow Joan was claiming against Orm one third part of the manor as her dower. In this suit Orm asserted that he had a lease of Nether Kellet for life " by demise of Thomas Banaster ".[1] Then in the following year Orm himself sued William, son of Thomas Banaster, and several others for the possession of the bailiwick and other property of which he alleged he had been unjustly disseised.[2] Unfortunately, no decision in either of these last two cases can be traced, but it would seem that in some way Orm recovered full seisin of the manor, for it was afterwards recorded that he had sold two-thirds of it with the reversion of the remainder after the death of his wife Eufemia to Sir Robert de Holland, the favourite counsellor of the earl of Lancaster.[3]

The bargain must have taken place in or before 1307, for in February of that year the new tenant obtained for himself and his heirs the privilege of free-warren " in all their demesne lands in Kellet ".[4] His possession of the manor and the bailiwick (together with other land and the serjeanty of Salfordshire) was confirmed by a grant of earl Thomas in 1320.[5] Two years later his suspicious conduct before the Battle of Boroughbridge led to the forfeiture of all his estates, but he recovered them on Edward III's accession. After his violent end in 1328, he was succeeded by his son Robert de Holland IV, who in 1355 conveyed the bailiwick and its endowment to his son, also called Robert.[6] From the latter the serjeanty was inherited by his daughter Maud before 1373,[7] and when she died in 1423, it passed to the Lovells through her marriage with Sir John Lovell. The attainder of Francis Viscount Lovell as an adherent of Richard III brought it once more into the hands of the crown, and in 1489 it was granted to Thomas, earl of Derby.[8]

[1] *Ibid.*, 131, m. 106d.; 134, m. 83. [2] Assize R., 1321, m. 7.

[3] *Lancs. Inquests*, II, 179. In commenting on Orm's earlier sale of Nether Kellet to Thomas Banaster, Dr. Farrer surmised that it was Banaster himself who transferred the manor to the Hollands, and appears to have confused Sir Robert de Holland II with his son, the third of that name and the favourite of the earl of Lancaster (*Lancs. Fines*, I, 187n). There seems to be some uncertainty as to the date of the elder Robert's death. Mr. Bernard Holland thinks that he was living as late as 1311 (see pedigree on p. xvi. of *The Lancashire Hollands*), but according to the *V.C.H. Lancs.*, IV, 92, n. 16, " he is supposed to have died about 1304 ".

[4] 1307. *Cal. Chart. R.*, III, 79. [5] *Cal. Pat. R., 1317–21*, 431.

[6] *Lancs. Fines*, II, 146; D. Lancs. Ass. R., 4, m. 6d.

[7] In 1374 Sir John Lovell and Maud Holland his wife recovered seisin of the manor of Nether Kellet from Sir Edmund de Hengrave and Alice his wife. De Banco R., 453, m. 203. Maud survived her husband and at her death was said to hold the manor of Nether Kellet " by serjeanty of being bailiff of the hundred ". *Lancs. Inq. p.m.*, II (Chet. Soc., O.S., XCIX), 2.

[8] *V.C.H. Lancs.*, IV, 93. The manor of Nether Kellet was sold in 1604 by the representatives of Ferdinando, fifth earl of Derby, to Robert Bindloss, and afterwards passed by marriage to the Standishes of Standish, who again sold it in 1692 to the Coles of Beaumont Cote. *V.C.H. Lancs.*, VIII, 140.

So far as can be ascertained, the discharge of the functions of the hereditary serjeant in this hundred by proxy appears to have begun in the time of the third Robert de Holland, who before his forfeiture in 1322 had leased his two-thirds of the manor to Edmund de Nevill and Eufemia, Orm's widow and now the wife of Edmund, for the term of Eufemia's life at a yearly rental of £21, which doubtless covered the profits of the bailiwick.[1] In the *Coram Rege* proceedings at Wigan in 1323, Edmund "as bailiff of the wapentake" was accused of corrupt practices in connection with the assessments for the levy of the tenth and sixth which had been granted by Parliament in the previous year.[2] How long he held this lease does not appear, but it is recorded that in 1343 he held another lease for the term of his own life from the fourth Robert de Holland.[3] In 1342 he and his under-bailiffs were defendants before the King's Bench against a charge of violating the privileges of the abbot of Furness.[4] After his death in December 1346, payments by the hereditary serjeants of the fine for licence to appoint a deputy are recorded in the ministers' accounts.[5]

CHAPTER FOUR

THE NON-HUNDREDAL SERJEANTIES

(*a*) The Liberty of Furness

The authority of the hereditary serjeant of Lonsdale did not extend in equal measure to all parts of the hundred, and for this the natural division of the area into districts between which communication was difficult was partly responsible. Morecambe Bay and the Kent estuary separate Lonsdale North of the Sands from Lonsdale South of the Sands, while the former is again cut into two portions, the Furness and Cartmel peninsulas, by Lake Windermere and the River Leven. In Cartmel and South Lonsdale the hundredal jurisdiction was always retained by the crown or the earls of Lancaster, but in the more remote district beyond the Leven sands the abbots of Furness acquired jurisdictional rights which in effect made them lords of a separate hundred; hence, while in the one case the royal serjeant executed all writs, attachments and distraints, and was answerable for the collection of the hundred rents and the perquisites of the wapentake courts, as well as for the profits

[1] *Lancs. Inquests*, II, 179.

[2] Coram Rege R., 254, m. 56.

[3] *Lancs. Fines*, II, 118–19. The lease included the manor of Nether Kellet and "the bailiwick of Lonsdale" with "the bailiwicks of Cartmel and Fourneys".

[4] De Banco R., 332, m. 520d. See below pp. 41–2.

[5] E.g., in 1348, *Lancs. Inquests*, III, 183; in 1441, D.L. Mins. Accts., 100/1790.

of the tourns and the county courts,[1] in the other, monastic lords had bailiffs of their own choice and the activities of the king's bailiff were gradually restricted by concessions won from the crown and the earls of Lancaster. How this came about now falls to be examined.

The original endowment of Furness abbey in 1127 by Stephen of Blois, then lord of the honour of Lancaster, included the forest and demesne of Furness, Walney island and the manor of Ulverston, with " sac and soc, tol and theam, infangthef and whatever is contained within Furness except the land of Michael le Fleming ".[2] Fleming's fief comprised the manors of Aldingham and Urswick on the eastern side of the peninsula, but exactly a century after the foundation of the abbey this excluded portion was brought within the monks' jurisdiction by the grant of the homage and service of Michael's heirs. In making the assignment Henry III defined the relative positions of the royal and the abbot's officers. The sheriff and his bailiffs were not to concern themselves with the land of the Flemings in the future,[3] " as ", it was stated, " they ought not to do with any [land in] alms of the same Abbot within Furness ". Crown pleas were to be attached by the king's coroner accompanied by the abbot's bailiff and pleaded before the king or his justices, while amercements arising therefrom, the chattels of fugitives and condemned persons and their lands and tenements for a year and a day, were reserved to the crown.[4] In enforcement of these conditions letters patent were issued to the hereditary serjeant Orm de Kellet commanding him " to be obedient and answerable to the abbot of Furness and his bailiff " in matters concerning his office.[5]

Thus were laid the substantial foundations of the great power which the abbots came to wield over the whole of Furness. The exclusion of the sheriff combined with the subordination of the royal serjeant made their bailiffs in reality the executive officers of the peninsula. In

[1] See *Lancs. Inquests*, I, 294 (1297); II, 122, 171 (1322–3); III, 183 (1348); D.L. Mins. Accts., 100/1790 (1440–1).

[2] *Lancs. Pipe R.*, 301–2. Stephen's charter was confirmed by himself as king and by his successors.

[3] William, son of Michael le Fleming I, had obtained from John, count of Mortain, a grant of liberties including gallows and judgment by ordeal, but the king's serjeant was to be present in court to see justice done (*ut videat justiciam*). The grant was confirmed when John ascended the throne. *Rot. Chart.*, xl. In an inquis. *ad quod damnum* conducted by the sheriff with respect to the transfer of the homage and suit of Michael II, the jury reported that they had " seen the King's serjeant going about in Furnais on the said Michael's land and in Kartmel to make an attachment for the crown ". *Lancs. Ass. R.*, I, 56.

[4] March 10th, 1227. *Furness Coucher*, I, i, 130; II, iii, 738.

[5] April 24th, 1228. *Cal. Pat. R., 1225–32*, 184–5. In the assizes of 1246 the jury reported that of the staff of six bailiffs maintained by the royal serjeant in the hundred as a whole, two, one mounted and one on foot, served in the liberty of Furness; *Lancs. Ass. R.*, I, 109.

addition, their position as the mesne lords of this remote and isolated corner of the kingdom enabled them to assume by custom a variety of privileges and profits. Their right to some of these—waif and wreck of the sea, the amends of the assize of bread and ale and the profits of a market at Dalton—were recognized in 1292–3; but one important claim, more germane to our present purpose, was disallowed. William of Cockerham, who ruled the monastery at that time, arguing that by the terms of his charters he was permitted to do "all things that belonged to the office of sheriff within Furness except [what pertained to] the pleas of the crown", claimed to hold "a certain tourn by his bailiff and the coroner" twice a year on dates mutually agreed upon between them. Objection being raised by the king's attorney, the point was submitted to a jury. They declared that since about 1248, when the sheriff first began to take his tourns in the county, those courts had been held in Furness by the king's coroner, who commanded the abbot's bailiff to summon the suitors to appear before him, and who officiated at the tourn precisely as the sheriff officiated at his tourn in a geldable county. Consequently it was adjudged that the tourn in Furness should remain to the king.[1]

Within the next half-century, however, the abbots not only became legally possessed of the tourn within their territories, but acquired also the privileges of appointing their own coroners and of executing the king's writs. Shortly after the *Quo Warranto* decision the tourn was made over to earl Edmund,[2] who, as before noted, already appointed his sheriff for the county. The transfer apparently led to difficulties between the monastic officers and those of Edmund's son Henry of Lancaster, as the result of which Henry agreed to hand over the tourn to the monastery in return for an annual payment of half a mark. The royal licence for the conveyance in mortmain was obtained on 1st June, 1336,[3] and the transfer effected a month later.[4]

Though now the abbots might hold the tourn, their lands could still be invaded by the king's coroner to hear presentments of crimes thereat, to hold inquests in cases of sudden death and in other ways to look after the crown's interests. The geographical situation of Furness provided the abbots with a plausible excuse for seeking a coroner of their own. The necessity of crossing the sands in order to attend "divers inquests made before sheriffs and coroners at Lancaster" exposed their tenants to the danger of being cut off and drowned by the tide, and on this ground John of Cockerham (abbot, 1303–47) had already, before the

[1] *Placita de Q.W.*, 371. [2] In 1295; *Furness Coucher*, I, i, 138–9.

[3] *Ibid.*, I, i, 142–3; *Cal. Pat. R.*, 1334–8, 272. The charter recites that the abbot had made supplication to the king showing that divers pleas about the tourn between him and Earl Henry had long been pending and were still undecided.

[4] *Furness Coucher*, I, i, 139–40, 148.

grant of the tourn, petitioned the king for the right to hold view of frank-pledge, to have a local coroner and the return of all writs.[1] But in spite of a favourable verdict by a jury of inquisition *ad quod damnum* [2] these privileges had not been conceded. The abbot now apparently renewed his request, for, in consideration of his grant of the tourn, as well as of the perils on the sands, he received the necessary charter in March 1337. The coroner of Furness was to be elected in the abbot's court with the assent of his men and tenants and his name notified to the chancery. View of frank-pledge was not mentioned, but the abbot was to receive and execute all writs and summonses of the exchequer by his bailiffs or servants, " so that no sheriff nor any bailiff or minister of the King should enter his lands or fees for the purpose of making summonses, distraints or attachments or performing any other offices whatsoever except in default of the abbot, his bailiffs and servants ".[3]

The acquisition of the sheriff's tourn, of the return of writs and the appointment of a coroner did not put an end either to the abbot's pretensions or to his difficulties with the rival authorities. Before long he was contending that his right to hold the tourn gave him power to deal with cases of bloodshed. Thereby he found himself at variance with the earl, the sheriff and the king's serjeant. The claim was first implied in a suit which he brought in 1342 against Edmund de Nevill, who was acting as Robert de Holland's deputy. He alleged that Nevill and his underlings regularly invaded his lands to make attachments *pro sanguinis effusione* and other matters which belonged to his tourn, and compelled the persons arrested to appear before the sheriff in the county court.[4]

[1] 1325. *Rot. Parl.*, I, 436.

[2] 1326. *Lancs. Inquests*, III, 26–7. The jury reported that the grant of a coroner would entail no loss to the king as the office was " more onerous than profitable ", while the return of writs would bring no profit to the monks since they would have to find bailiffs at their own cost to execute the king's mandates. The profits of the view were said to be worth 6*s.* 8*d.* yearly.

[3] *Furness Coucher*, I, i, 157–9 ; Beck, *Annales Furnesienses*, app. liv. The charter amplifies somewhat the reason for the grant of a franchisal coroner by reciting that inquests upon bodies lost in the sands, slain or deceased by other causes " had not hitherto been duly executed " because the king's " coroners there dwelt in distant parts ". On 20th March a precept was sent to the sheriff of Lancaster ordering him " to cause a coroner for the lands and fees of the abbot and convent of Fourneys in Fourneys to be elected in those lands and fees " in accordance with the king's charter ; *Cal. Close R., 1337–9*, 21–2. Subsequently, on the decease of a coroner of Furness, the king (and the duke) usually issued a mandate to the abbot instructing him to proceed to the election of a successor. When the name of the latter had been returned to the chancery, the king then notified the sheriff of the fact, ordering him " to be obedient to and attendant upon " the new coroner in the lands and fees of Furness. See, for example, *Cal. Close R., 1337–9*, 438 ; *Furness Coucher*, I, i, 165–6. In 1342 the sheriff was informed that the escheator was notified in the same way. *Cal. Close R., 1341–2*, 471.

[4] 1344. De Banco R., 332, m. 520d.

The bailiff's action was supported by the earl's council, but eventually a compromise was arrived at by which the earl surrendered his jurisdiction in cases of bloodshed to the abbot on condition that the latter made an annual payment of 13*s.* 4*d.* in addition to the half-mark which he already owed for the tourn.[1] Even then the controversy was not ended. A year or two later the abbot appealed to the king against the sheriff who had held a tourn in Dalton where certain men of Furness had been induced to make presentments. Of the offences said to be presented, bloodshed was the only one named. The king replied by ordering the sheriff to desist from entering Furness and intermeddling with the abbot's rights.[2] Possibly it was in the hope of avoiding further trouble that the abbot now secured from Henry of Grosmont, who had succeeded his father in the earldom in 1345, fresh recognition of his privileges,[3] but if so he was doomed to disappointment. About twenty years later he had once more to resist their infringement. In 1369 two Furness men were indicted before John de Ypres [4] at his tourn at Lancaster for harbouring a murderer. When they were subsequently brought before the justices of gaol delivery, the abbot successfully sued for their release on the ground that the case ought to have been dealt with at his tourn in Furness.[5]

(*b*) The "Baronies"

The abbots of Furness were not the only territorial magnates whose liberties affected the work of the royal hundred serjeants. Dependent on the honour of Lancaster were a number of fiefs, often called "baronies", some of whose lords exercised jurisdiction in certain matters which normally came within the purview of the hundred courts and appointed bailiffs of their own. One of the most important of the baronies was that of Manchester, created by Roger of Poitou in the reign of William Rufus. Granted to Albert Grelley, it was held by his descendants for more than two hundred years, passing in 1311 by marriage to the la Warres who were in possession until 1426. By far the greater part of the lordship lay in Salford hundred, of which it comprised about one-third, including the manor of Manchester and its sub-manors of Ashton-under-Lyne,

[1] *Furness Coucher*, I, i, 140–2.

[2] *Ibid.*, I, i, 162–5. The mandate as there reproduced is dated "*Apud Reding, etc., xii die Maii, etc.*", the year being omitted. It was probably executed in 1347, in which year the king was at Reading or in the neighbourhood throughout the month of May.

[3] First by an indenture, dated 19th Nov., 1347 (*Furness Coucher*, II, i, 191–3; I, i, 203–5), and again by letters patent of the earl dated 1st Aug. 1349, and recited in an inspeximus of Richard II (*ibid.*, I, i, 196–7).

[4] Sheriff of Lancaster, 1361–70; *P.R.O. Lists and Indexes*, No. IX.

[5] *Furness Coucher*, I, i, 145–9.

Withington and Heaton Norris in the south-east, Barton on Irwell and parts of Flixton and Worsley in the south-west and some twenty townships in the north-west. The remainder consisted of a block of four townships in southern Leyland and three scattered townships in West Derby.[1] The governmental centre of this extensive fief was the court of Manchester, where the lord exercised the ordinary civil jurisdiction of a court baron over the whole barony. But by prescription he also possessed certain powers of criminal jurisdiction in the large area covered by the manor of Manchester and its sub-manors as well as over some of his outlying territories :[2] in the same court of Manchester he could punish breakers of the peace, transgressors against the assize of bread and ale, and thieves caught both within and outside his fief.[3] The business of the court involved executive functions analagous to, though of more limited scope than, those of a hundred bailiff. Hence the baron had a bailiff of his own, called a " grith serjeant ", charged with the duty of riding and keeping watch over the lordship, bringing to judgment offenders subject to the lord's court, seeing that the decisions and orders of that tribunal were carried out, and collecting the rents of the lord's foreign (i.e., remoter) tenants. Owing to the wide extent and scattered situation of the townships which constituted his province this baronial bailiff needed the help of four under-bailiffs ; and the importance of his position in the late thirteenth and early fourteenth centuries may be judged from the fact that it could be farmed out for a considerable rent.[4]

Four other extensive fees, which came into the possession of the powerful Lacy family before the middle of the thirteenth century, were also served by baronial bailiffs, namely the baronies of Widnes and Penwortham and the lordships of Tottington and Rochdale. The barony of Widnes originated in the grant of Widnes and other manors in West Derby and Warrington hundreds by Roger of Poitou to William FitzNigel, the Constable of the earl of Chester. Though this Lancashire fief (afterwards greatly enlarged) formed part of the Constable's Cheshire honour of Halton, it was feudally dependent on the honour of Lancaster.[5] It became a Lacy estate in 1194 through the assumption of the surname Lacy by FitzNigel's descendant, Roger the Constable, upon whom had been settled the honours of Clitheroe and Pontefract after the failure

[1] Tait, *Med. Manchester*, 15–16.

[2] Barton, Pilkington and Heaton with Halliwell, all in Salford Hundred ; *ibid.*, 34.

[3] *Ibid.*

[4] *Lancs. Inquests*, II, 66–7 ; Tait, *op. cit.*, 36. In 1282 the farm of five footbailiffs of Robert Grelley was reported to be 100*s.* yearly ; *Lancs. Inquests*, I, 246. In 1322, according to one version of the Extent of Manchester, the Grith serjeant gave " to the earl [of Lancaster] for his bailiwick £10 one year with another " ; though according to other versions the bailiwick was worth only 40*s.* ; *ibid.*, II, 66.

[5] *V.C.H. Lancs.*, I, 297–8.

of male heirs of the first Lacy line.[1] In 1205 Roger purchased the barony of Penwortham from the Bussels, who had held it since its creation in the reign of Henry I or of Stephen. This fief included the manor of Penwortham with a large part of Leyland hundred and many manors outside it.[2] Before 1212 Roger had also acquired, by some means unknown, the broad manor of Rochdale, the one-time lordship of Gamel, a thegn of Edward the Confessor, in Salford Hundred.[3] Finally in 1235, John de Lacy, Roger's son, purchased the fee of Tottington, part of the Montbegon barony of Hornby, from Henry de Monewden, to whom the barony had descended on the lapse of the direct line of the Montbegons in 1226.[4]

All these four lordships were the property of the Lacys till the death of the earl of Lincoln in 1311 when, along with the fee of Clitheroe, they reverted to the honour of Lancaster. Each of them had its seignorial court and serjeanty which continued to function long after they had come under the immediate control of the lords of Lancaster. The bailiffs are sometimes called " bedels ", but more often " serjeants of the fee " or " serjeants of the free court " of the lordship. In one case—Widnes in 1328—they are described as " serjeants of the peace ".[5] In Rochdale and Tottington the office was made hereditary. The " serjeanty of the free court " of the former was granted in fee to Adam de Balshaw by Henry de Lacy in 1281.[6] The Balshaws sold it in 1341 to John de Radcliffe of Ordsall,[7] and from the Radcliffes it was purchased by Sir John de Byron in 1430.[8] When the bailiwick of Tottington became hereditary is not known, but it descended in the family of Greenhalgh of Brandlesome in Elton from the middle of the fourteenth to the middle of the seventeenth century,[9] though the duties were generally performed by a deputy.[10]

[1] *V.C.H. Lancs.*, *I*, 300. [2] *Ibid.*, 335–6.

[3] *Lancs. Inquests*, I, 38. It is believed that after the Conquest this manor, though greatly reduced, was retained by Gamel, who became one of Roger the Poitevin's knights, but " there is no indication of the time or manner of its acquisition by the Lacys ". *V.C.H. Lancs.*, V, 190, n. 38.

[4] *V.C.H. Lancs.*, I, 319–25. [5] *Lancs. Inquests*, II, 228.

[6] Byron Cartulary, 1/248. A rent of 2 marks a year was reserved to the lord and figures in the receipts of the Lacy Compoti, 1295–6, 1304–5 (Chet. Soc. CXII, 6, 102), and in the Rental of the Lands of Thomas Earl of Lancaster, 1323–4 (*Lancs. Inquests*, II, 189 ; cp. *Lancs. Inq. p.m.*, I (Chet. Soc., XCV, 9).

[7] Byron Cartulary, 9/249. John de Radcliffe was probably also steward of Blackburnshire. See *Whalley Coucher*, I, 325, 329.

[8] Byron Cartulary, 16/251. Eight years earlier it had been declared to be worth nothing by the year, *quia reprise excedunt valorum* [sic] *ejusdem*. *Lancs. Inq. p.m.*, I, 148.

[9] John de Greenhalgh, " serjeant of Tottington ", occurs in 1351 ; D.L. Ass. R. 1, m. 7d. Thomas Greenhalgh, esq., was " Bayliffe of the Fee of Tottington " in 1662 ; *Clith. Ct. R.*, III, 442.

[10] See the list of " Baillivi et Prepositi de Tottington " given by the editors of the 1872 edition of Whitaker's *Whalley*, I, 327 ; also *Clith. Ct. R.*, III, *passim*.

In Penwortham and Widnes the bailiwick was farmed. For the "bedelry of Penwortham" the farmers paid 30*s.* a year in the time of Henry de Lacy,[1] but when the fee was in the king's hand after the forfeiture of earl Thomas the rent had been raised to 33*s.* 4*d.*[2] In the larger fee of Widnes the farm rose from £3 a year at the beginning of the fourteenth century[3] to £4 in 1347,[4] but by 1400 it was found necessary to entrust the serjeanty to an officer without any yearly payment,[5] no doubt because in this as in other seignorial and hundredal bailiwicks the perquisites had considerably diminished through the transference of judicial business from the local to the central courts.

During the tenure of these so-called baronies by Henry de Lacy the precise competence of his franchisal courts and bailiffs was a constant matter of contention between him and his superior lord the earl of Lancaster, who, it will be remembered, was the hereditary sheriff. Lacy claimed in all his lordships jurisdiction similar to that which he claimed in his wapentake of Blackburnshire, and he held that no bailiff of the king, i.e., of the sheriff, should enter any of his fees to make distresses or attachments unless accompanied by his own bailiffs of the fee. A dispute arising out of the latter claim occurred in 1276 when the sheriff's officers appeared in the manor of Rochdale to levy distraint for debt. Opposition on the part of the manorial bailiff, Gilbert de Clifton, was supported by Lincoln, who declared that he would continue to resist the intruders *vi et armis*, "placing posse against posse"; but when the matter was eventually submitted to inquest, verdict was given against him.[6] Nevertheless in the *Quo Warranto* proceedings of 1292 the earl persisted in his claim and complained that the king's bailiffs had been making arrests and distraints in his fees without the presence of his bailiffs "though they ought not of right so to do". On this point, as on the other privileges contended for by the earl, the king's attorney demanded an inquiry, but though the jury asserted that Lacy and his ancestors had enjoyed them "without any interruption of time" beyond the

[1] *De Lacy Compoti*, 10, 106.

[2] *Lancs. Inquests*, II, 195. The bailiwick was then held by Thomas de Sutton. In 1444 Henry Waring was appointed bailiff "during pleasure"; *40 D.K. Rept.*, app. 537.

[3] *De Lacy Compoti*, 50, 63.

[4] Roger de Denton appeared in the Court of Widnes on 21 Dec., 1347, "and took of the lord the serjeanty of the fee of Widnes this year paying for the same £4" in July and September, and finding pledges "for the farm and for faithful service". Thomas de Wales and Richard de Denton also appeared and took "the little serjeanty of the homage of Widnes this year paying for the same £4" and offering pledges as before. Beamont, *Halton Records*, 27.

[5] D.L. Mins. Accts. 728/11987 (1399–1400) "Farm of the bailiwick [of Widnes] nothing yearly because granted to Robert Norreys for life."

[6] Fishwick, *Rochdale*, 17, quoting "County Placita, 4 Edw. I, Minus Record Rot. 4, and Major Record Rot. 8."

memory of man, the case was postponed for further investigation before the King's Bench, and there is no indication that a final decision was reached.[1]

Lincoln was still maintaining his pretensions, if not enlarging upon them, some time later when the sheriff questioned his title to punish trespasses of assault involving bloodshed. It appears that in 1306, while some boys were playing in the streets of Penwortham town, three men snatched a ball from them and ran away with it to a neighbouring wood. Two other men named Walter de Wiltshire and Thomas Cook, who had been watching the game, gave chase, and in the struggle to recover the ball Walter struck one of the fugitives, causing bloodshed, for which offence he was afterwards "punished . . . and made a fine" in the earl's court. Subsequently, before the justices of assize at Lancaster, the jurors of Leylandshire presented Walter and Thomas as "common transgressors, breakers and disturbers of the king's peace", and guilty of assault upon the three men who had carried off the ball. Thereupon the bailiffs of the earl of Lincoln and earl Thomas of Lancaster appeared to claim jurisdiction. For earl Thomas it was contended that the "amends of such shrieval trespasses and of all others against the king's peace" in Lancashire, except death and mayhem, should go to him as "the chief lord of the whole county"; but for the earl of Lincoln it was represented that by the terms of the indictment it was evident that the offence in question had been committed in his fee of Penwortham, and that, since he and his ancestors from time immemorial had been accustomed to hear and determine such cases and "other trespasses of bloodshed whatsoever except death and mayhem" in the courts of their fees, this particular suit belonged to him. In the sequel the judges ordered the case to proceed, though without prejudice to the liberties claimed "if such there be", and after hearing the defence and the finding of the jury committed Thomas and Walter to judgment.[2] Again, there does not appear to have been any final settlement on the issue raised by this dispute, and in all probability the long quarrel between the contestants was only ended when the death of the earl of Lincoln transferred his estates and franchises to the earl of Lancaster.

Finally there is some evidence of the existence of seignorial bailiffs in two baronies formed out of the absorbed hundreds of Newton (or Makerfield) and Warrington, In the case of Newton it is possible that the serjeanty was a degraded survival of the old hundredal bailiwick. Practically the whole area of Newton hundred was granted to Robert Banaster some time before the end of the twelfth century.[3] What

[1] *Placita de Q.W.*, 382. [2] Ass. R., 421, m. 2.
[3] *Lancs. Pipe R.*, 262.

franchisal privileges were attached to the fief is not recorded, but some fifty years later Robert's grandson Robert is found to be claiming " by reason of his barony " infangthef and utfangthef, and the right to attach thieves " when the ' sakeber ' sued ".[1] A bailiff would be a necessary adjunct to his court, but references to such an officer are rare. The first recorded bailiff is Willoth or William de Newton, who in 1212 was reported by the Great Inquest of Service as holding two bovates of land " by serjeanty from ancient time " [2], and who at a subsequent inquiry was said to hold the same tenement " by serjeanty of the wapentake ".[3] The wording of these findings not only indicates that the office was appurtenant to land, but suggests that it was a heritable tenement going back to the time when Newton was a separate hundred. It would appear that while the normal hundredal business of Newton was transferred to the bailiff of West Derby after the amalgamation of the two wapentakes, the hereditary serjeant of Newton was retained as the baronial serjeant of the Banasters. A possible further reference to the office is to be seen in the record of a suit in the King's Bench brought by Ranulph de [le ?] Seriaunt and his wife in 1297 against James, son of Ralph de Newton, concerning a bovate in Newton *et ballive serjauntie de Makerfeld*.[4]

The barony of Warrington was probably of earlier creation than that of Newton ; its first lord, Pain de Vilers, is believed to have received the lands of the former hundred from Count Stephen of Blois.[5] Through the marriage of Pain's grand-daughter Beatrice to Richard Pincerna, a younger brother or cousin of Robert Pincerna, the earl of Chester's butler, it passed to the Botelers, who retained possession till the end of the sixteenth century. The claim of Sir William le Boteler to gallows in Warrington was proved in 1292.[6] No bailiff of the hundred is recorded, but there are several references to the serjeants of the baron's court. Under the above-named William le Boteler the " serjeanty of making summonses and attachments " was combined with the office of farm-bailiff (*messoria*) or stewardship of the lord's demesne, both offices being

[1] *Cockersand Chart.*, II, ii, 643. In confirming some grants made by tenants of the fee of Makerfield Robert Banaster reserved to himself and his heirs *infangenthef et utefangentheu de hominibus commorantibus in dictis tenementis, qui in saisina latrocinii inventi fuerint, et cum attachiamentis ipsorum, prout ad me pertinet racione baroniæ meæ, occasione hujusmodi latrocinii ubi sacrabel sequitur.* " Sacrabel " or " sakeber " was the prosecutor who pursued a thief with the stolen goods in his possession. On the question whether infangthef and utfangthef were privileges necessarily attaching to a barony, see Tait, *Medieval Manchester*, 196–7.

[2] *Book of Fees*, I, 219 ; *Lancs. Inquests*, I, 78.

[3] *Book of Fees*, I, 268, 349 ; *Lancs. Inquests*, I, 122.

[4] De Banco R., 121, m. 33.

[5] *V.C.H. Lancs.*, I, 337 ; III, 318 ; *Lancs. Pipe R.*, 261.

[6] *Placita de Q.W.*, 386.

granted for life to one William, son of Roger de Sankey.[1] Certain of the chief tenants of the fee were bound to provide beadles to do service at the lord's court.[2]

CHAPTER FIVE

THE STAFFS OF THE BAILIFFS AND THEIR MAINTENANCE

For the performance of the duties attached to his office the serjeant of a hundred or of a barony in Lancashire had the assistance of one or more under-bailiffs. In the king's bailiwicks of West Derby, Salford and the combined wapentakes of Amounderness and Blackburn the recognized staff in the thirteenth and fourteenth centuries was in each case one chief serjeant mounted and accompanied by a groom and two under-bailiffs on foot.[3] Possibly the same number of subordinates were originally employed in Leyland, where the royal bailiwick was acquired by the lord of the hundred and probably combined with the seignorial office. There is, however, little to indicate how many officers were at work in this hundred. After the lordship and the bailiwick were partitioned about 1330, the coparceners had to pay the crown a fine of one mark for permission to appoint a deputy, who would act as the chief serjeant with one or more under-bailiffs.[4] In the middle of the fifteenth century there were two deputies who jointly accounted for the profits of " the king's bailiwick of Leylondshire ".[5] The hereditary serjeant of Lonsdale had a staff of six officers, of whom two, one mounted and one on foot, were assigned to the Furness district,

[1] In 1295 William de Sankey sued William le Boteler for the recovery of his serjeanty and *messoria*, with the profits belonging thereto, of which he alleged he had been unjustly disseised, but the jury upheld Boteler's defence that Sankey had absconded and relinquished the office of his own free will " on account of his fear of a certain prisoner who had escaped from his custody ". Another bailiff had been appointed in his place, and he had never applied to have his bailiwick back again, though it was admitted that the baron would not have restored it without amends. Nevertheless, Sankey recovered possession with 2*s*. damages, but he was amerced for claiming profits to which presumably he was not entitled owing to his failure to discharge his duties. Ass. R., 1306, m. 18.

[2] Beamont, *Annals*, I, 121. William le Boteler in 1300 granted charters to two of his tenants of the fee of Warrington releasing each of them of the obligation of finding thenceforth more then one beadle instead of the two he had been accustomed to find.

[3] *Lancs. Inquests*, I, 288 ; II, 112 ; *Lancs. Ass. R.*, I, 97 ; Ass. R., 425, mm. 14, 15d, 16 ; Coram Rege R., 254, m. 72 ; 297, Rex m. 21. In 1246 it was reported that there was only one foot-bailiff in addition to the mounted serjeant in West Derby, but there was also a hereditary under-bailiff who was entitled to ride in the execution of his office. *Lancs. Ass. R.*, I, 79, 74.

[4] Porteus, 69.

[5] Dy. Lanc. Mins. Accts., 100/1790.

while two riding and two walking bailiffs served in " the body of the wapentake ".[1]

Of the separate seignorial bailiwicks maintained in the county by the earl of Chester that of West Derby was the only one to survive after the middle of the thirteenth century, and this was served by a mounted officer and a single assistant on foot.[2] In Blackburnshire the Lacys had originally two horse and two foot bailiffs, but, possibly in response to complaints of the burden which the upkeep of so many officers entailed on the inhabitants, Henry de Lacy promised that from his time onwards there should be only one mounted serjeant with a groom to guard his horse and only one bailiff on foot, although he stipulated that when the chief serjeant should ride about the country in the discharge of his duties, his groom " should be received and recognized as a serjeant on foot ".[3]

In comparison with the limited staffs of the hundreds, it may seem surprising that two at least of the baronies were served by as many as five regular bailiffs.[4] The grith serjeant of Manchester had his groom and four under-bailiffs.[5] Considering the wide circuit of the lordship with its members dispersed over three hundreds, this number may not have been excessive ; but no such explanation can be given for the four sub-bailiffs employed by the serjeant of the much smaller and compact lordship of Rochdale in the fourteenth century.[6] Whether so large a staff had always been maintained in Rochdale may be doubted, especially in view of the fact that at that time the employment of more assistants than were necessary was a common complaint. In the great judicial inquiry instituted in Lancashire in 1323, the jury of Amounderness reported that " whereas the chief bailiff used to have two men on foot and a groom now he has one man on horseback and one groom more than there was wont to be " ; [7] and the West Derby men accused the two under-bailiffs of that wapentake of having four grooms who " intermeddled in the office as well as the bailiffs themselves ".[8] Eleven

[1] *Lancs. Ass. R.*, I, 109–10. In 1297 the provinces of the six serjeants were apportioned as follows : two in Furness and Cartmel, two in " Lonsdale ", and two " beyond the wood " (*ultra Boscum*). *Lancs. Inquests*, I, 294 ; *Cal. Inquis.*, III, 295.

[2] *Lancs. Inquests*, I, 288.

[3] *Whalley Coucher*, 1162 : *Issi ne purquant qe quant mester serra le garceon le seriaunt soit receu et conu pur seriaunt a pee pur office de seriaunt faire.* In 1351 the grantees of the bailiwick were to maintain one horse and two foot bailiffs. *Ibid.*, 1164.

[4] There is reason to believe, however, that the recognized officers of the hundreds were at times assisted by temporary bailiffs appointed for specific duties.

[5] *Lancs. Inquests*, I, 66–7.

[6] Dy. Lanc. Ass. R., 2, m. 4.

[7] Assize R., 425, m. 14.

[8] *Ibid.* ; Coram Rege R., 254, m. 72. The Salford jury asserted that their chief bailiff had employed four grooms instead of one for seven years past. Ass. R., 425, m. 15d., 16.

years later complaint was lodged against Gilbert de Meols, the bailiff of Penwortham. He was said to have a servant on horse as well as a servant on foot, both of whom were accompanied by grooms, when only " one serjeant on foot with one groom were wont to make executions of writs and attachments within the barony ".[1]

The number of assistants employed by the responsible serjeants was jealously watched by the inhabitants because they were liable to contribute to the maintenance of the officers. The multifarious duties of a bailiff often took him so far afield that he was unable to return home before nightfall; hence the right to demand a night's lodging and food for himself, his horse and his dogs was in many parts of northern England and Wales a perquisite of his office.[2] Similar entertainment could also be claimed by the foresters of the Lancashire and other northern chases. Under the name " puture ", " serjeant's fode " or " serjeant's fold " the obligation recurs frequently in the rentals and surveys of the county as a condition of tenure, sometimes with precise definition of the accommodation to be provided. Thus in the Extent of Manchester we read that tenants of the baron had to find for the master serjeant " when he comes [to them] bread, ale and victuals and other necessaries according to the season; for his groom and four underbailiffs according to those that are provided in a household, and provender for his horse, upon forewarning by any of them, or by any messenger, of their coming ".[3] It was always understood that the demands upon the host should be reasonable. The foresters of the chase of Bowland were expected to take their puture " of the victuals found in the house ",[4] and the bailiffs of the sheriff of Westmorland were required to swear that " where they shall take hospitality they shall behave themselves with moderation ".[5]

While, however, puture could be claimed by all the Lancashire serjeants, whether royal or seignorial, it is difficult to discover from the evidence available upon what principle its incidence was determined. In the case of most of the baronial bailiwicks information on the point is particularly meagre, and though fuller for the hundredal serjeanties it is occasionally conflicting. For example, it was declared at the assizes held at Lancaster in 1272 that the bailiffs of Blackburnshire had been

[1] Coram Rege R., 297, Rex m. 22d. In 1331 the keeper of Bowland Forest, who " used to have four foresters with two grooms and two dogs ", was accused of demanding puture for himself and nine, sometimes twelve, others and four dogs. Coram Rege R., 283, m. 48; *Lancs. Inquests*, III, 31.

[2] E.g., in 1246 it was recorded that the hereditary under-bailiff of West Derby " ought to do [his] service with a man and horse and victuals when so far from home as to be unable to return daily ". *Lancs. Ass. R.*, I, 74.

[3] *Lancs. Inquests*, II, 67.

[4] Coram Rege R., 283, m. 48.

[5] *Lancs. Court R.*, xi.

accustomed to " take their puture by reason of residence, of whomsoever is tenant in the said wapentake, at their discretion when they came " ; [1] yet forty years later three bailiffs of the same hundred were convicted on a charge which implied that they were not at liberty to claim hospitality from the inhabitants at large. The offence of these officers was that whereas they " ought to have puture in the hamlet of Dilworth " they had " come to men of the said wapentake of Blackburnshire and caused them to be charged puture against the law and the custom of the country ".[2] Dilworth belonged to the hereditary serjeant from whom the accused men farmed the bailiwick, and in referring to it the men of Blackburn were suggesting that those who executed the serjeant's functions should be maintained out of his estate.[3] An identical point of view was taken by the men of Amounderness who were under the jurisdiction of the same master serjeant and who declared that " the bailiff of fee held tenements that he should acquit the people of the wapentake and perform the office without exacting anything of the country ".[4]

[1] " *Pro voluntate cum venerint.*" Dr. Farrer translates : " for their goodwill when they came." *Lancs. Court R.*, xii–xiii. The case arose out of a claim by an under-tenant against his mesne lord for acquittance of puture and the obligation to find a " Wytnesseman " to attest summonses, distraints and attachments made by the bailiffs of the earl of Lincoln, lord of the honour of Clitheroe, on the ground that an ancestor of the mesne lord had by final concord acquitted an ancestor of the plaintiff " in perpetuity " of all suit of court, customs, services and demands in respect of the tenement in question. (See *Lancs. Fines*, I, 123.) The defendant maintained that the use and custom of the country was that the earl's bailiff took puture and demanded witness only of residents in the wapentake, and that no resident, although he might be willing, was able to acquit another. The jury upheld this contention.

[2] Ass. R., 425, m. 14d. ; Coram Rege R., 254, m. 72d. A further instance of contradictory evidence may be cited. According to an extent of 1346 puture is included as one of the incidents attaching to the manor of Bootle (*Lancs. Inquests*, III, 92) ; but one copy of the Rental of Thomas Earl of Lancaster, 1322, expressly excludes puture from the services due from the lord of the manor, while another makes no mention of dues beyond the payment of rent (*ibid.*, II, 80).

[3] According to a puture roll of the middle of the fifteenth century, no puture was due from the township of Dilworth. See below, p. 52, n. 4.

[4] Ass. R., 425, m. 14 (1323). Compare the assertions of the jury of West Derby at the same assizes that the chief bailiff of that hundred " had good lands of the king's gift to perform the office " (*ibid.*) ; and of another jury in 1343 that " the bailiwick of Derbishire ought to be served by one horseman and two grooms only for seven oxgangs of land in Walton, which are called ' le Gildhouses ', and which were assigned from olden time for the maintenance of the said man and groom, taking nothing for the said bailiwick " (Ass. R., 430, m. 28d.). In 1407 a Lonsdale jury of inquisition stated that the predecessors of John Lovell, then bailiff of fee, until the time of Edward III had taken nothing for their office, and that the vill of Nether Kellet had been given to Adam de Kellet by King John " to be the King's bailiff within the wapentake . . . *sub tali conditione quod idem Adam hered' et assign' sui intrient toto tempore futur' ballivi absq' aliqua re aut alio profic' pro predicto officio capiendo* ". *Lancs. Inq. p.m.*, I, 85.

Such arguments were doubtless prompted by a desire on the part of the pleaders to get rid of an obnoxious exaction. That residents in various parts of Blackburn hundred were legally bound to give puture is clear from the enforcement of the obligation by the courts. Extant rolls of the wapentake and halmote courts record numerous penalties imposed on those who neglected or refused to render the service [1] and annual fines paid by others who wished to be relieved of it.[2] As to how the burden was distributed none of the surviving thirteenth- or fourteenth-century rentals of the hundred affords any guidance, but the fortunate preservation of an undated puture roll of the following century helps to supply the deficiency. The document gives a list of tenants upon whose estates, in most cases specified by name, " the Sheriff of Lancashire has puture of the serjeants in Blackburnshire ".[3] On examination the persons named are found to be all freeholders—tenants in socage, by knight service, or in thegnage—and either lords of manors or principal landholders of townships. But the list does not include *all* the greater free tenants. Some half-dozen manors are not named at all,[4] while in others many freeholders were apparently exempt. These latter were, so far as can be ascertained, the tenants of mesne manors or other freeholds of comparatively late creation.[5] Tenancies in the demesne manors [6] and in the ancient chases of Blackburnshire [7] are also for the most part excluded from the list, probably because lands in those areas were chiefly held as copyholds or by customary tenure, though in a few of the demesne manors certain ancient freeholds (but

[1] Several tenants were amerced 3*d.* each for default in the wapentake court at Clitheroe on 22 Feb., 1324; *Lancs. Court R.*, 55. Amongst them were John de Holt, tenant of an oxgang in Read, and Adam del Clough who had 3½ oxgangs in the same township and also held two-thirds of the manor of Hapton; *Lancs. Inquests*, II, 11, 144, 202.

[2] E.g., John de Hilton in 1323 paid half a mark " for having respite of puture of the serjeants this year "; *Lancs. Court R.*, 48. He was probably the John de Hilton who held a free tenement of one and a half ploughlands in Blackburn (1311); *Lancs. Inquests*, II, 11).

[3] *L. & C. Hist. Soc.*, N.S. 28, pp. 273–82. The roll is headed: *Vicecomes Lancastriae habet poturam servientium in Blaburnschyre in singulis locis subsequentibus ultra &c. tent' de Sancto Johanne &c.* From the names of the tenants recorded it appears to have been compiled about 1440 or 1450.

[4] Whalley, Worsthorne, and Dilworth, held in socage; Wilpshire in thegnage, and Wiswell and Little Mitton by knight service.

[5] E.g., Hacking, a mesne manor dependent on Billington; Feniscowles, a freehold created in the fourteenth century in the manor of Pleasington.

[6] Chatburn, Downham, Worston, Pendleton, Huncoat, Padiham, Accrington, Ightenhill and Colne.

[7] E.g., the townships of Barrowford in Pendle Forest, Ramsgreave in the chase of the manor of Blackburn, and Hoddlesden attached to Rossendale Forest. Tenants in the chases, however, would be liable for puture to the foresters.

not all) are shown to be chargeable.[1] In view of these facts, all that it seems possible to say with regard to the incidence of puture in Blackburn Hundred is that the obligation rested upon the holders of certain free tenements of ancient origin, and that, however originally imposed, it had been restricted by custom to those tenants. Unfree and customary tenants and the holders of tenancies at will [2] were always immune.[3]

Probably the same generalization would apply to the other five hundreds of Lancashire, with regard to which we are mainly dependent on information supplied by two or three rentals of the thirteenth and fourteenth centuries.[4] According to these records puture was due only from some of the greater tenants in respect of the manors, townships or other large freehold estates which they held, and in three of the hundreds only from a minority of such tenants.[5] Both those who were liable and those who were exempt included tenants in socage and by knight service and the holders of ancient thegnage and drengage lands ; [6]

[1] E.g., in the demesne manor of Accrington the tenants of the ancient freeholds of Holden and Broad Holden in Haslingden township are named in the list, but not the tenant of Ewood.

[2] In a grant of the seignorial bailiwick of Blackburnshire by Henry, earl of Lincoln, to the abbot of Whalley and three others, it was provided that the bailiffs should have puture " except from the tenants of the said earl who hold of him at will who have not hitherto been accustomed to give puture ". *Whalley Coucher*, IV, 1164.

[3] By the seventeenth century puture in Blackburnshire had been commuted to an annual money payment called " puture rent ", which in many of the townships was " assessed amongst the inhabitants ", collected and paid over to the bailiff of the wapentake by the constable. *Clith. Ct. R.*, II, 428 *et seqq.* Commutation had become a common practice as early as the fourteenth century in North Wales, Shropshire, Cheshire, Cumberland and Westmorland (R. Stewart-Brown, *Serjeants of the Peace*, *passim*) ; and a system of optional commutation seems to have been in force in Bowland Forest, where it was found upon inquiry in 1331 that the foresters in the time of earl Thomas were accustomed to have victuals from the tenants of certain townships once a year " or for that puture 14*d.* ". Coram Rege R., 283, m. 48.

[4] Inq. p.m. Wm. de Ferrers, 1288 (*Lancs. Inquests*, I, 269–70) ; Rental of Thomas Earl of Lancaster, 1322 (*ibid.*, II, 75 *et seqq.*) ; Rental of Henry Earl of Lancaster, 1346 (*ibid.*, III, 67 *et seqq.*).

[5] Salford, Amounderness and Lonsdale. In Leyland nearly all the townships seem to have owed puture ; in West Derby rather more than half of them.

[6] A few examples of the apparently arbitrary incidence of puture in the hundred of West Derby may be given in illustration. The service was rendered by the lords of the manors of West Leigh, Haigh and Downholland, who held by knight service, but not by the military tenant of the manor of Ravensmeols (*Lancs. Inquests*, III, 91–3) ; by the lord of the socage manor of Upholland but not by the socage tenants of the townships of Ainsdale and Birkdale (*ibid.*, III, 92 ; II, 81) ; and by the lord of the manor of Lathom, but not (according to one account) by the lord of the township of Bootle, though both places were held in thegnage (*ibid.*, III, 94 ; II, 80 ; but with regard to Bootle, see also III, 92).

The late Mr. Stewart-Brown apparently considered that all the successors of the thegns and drenghs of the Domesday Survey were bound to furnish puture

but the obligation is never recorded as enforceable on bondage or customary tenants or tenants at will.

In the non-hundredal baronial franchises the custom which determined which of the inhabitants were responsible for the maintenance of the bailiffs varied. In the largest of them, the barony of Manchester, the practice conformed to that of the hundreds: nearly all the chief tenants had to find food, victuals and "other necessaries" for the grith serjeant and his underlings;[1] while the tenants of the townships adjacent to the forest of Horwich had to provide the like accommodation for the foresters.[2] In some of the lesser lordships the burden was borne only by the tenants of oxgang lands, i.e., land of ancient tenure as distinguished from the assarts or riddings which had been more recently reclaimed from the waste. Within the barony of Penwortham, for example, according to a pronouncement of 1334, only "sixteen oxgangs of land . . . ought to provide puture for the bailiff and his groom", and a bailiff who had demanded hospitality or taken money in lieu of it "from the lesser residents" was convicted of extortion.[3] A similar rule probably held good in Warrington, where William le Boteler, in charters granted to some of his chief tenants, acquitted them of any service in respect of wastes "approved or to be approved", but reserved "the puture of one bailiff" from their bovates.[4] On the other hand, assart land was made to share the burden with the older tenancies in at least one of the baronial lordships. In Rochdale annual compositions were paid by the "Rodemen" as a body to be relieved of the necessity of furnishing maintenance in kind.[5]

(*Serjeants of the Peace*, 82). It is by no means certain that this was the case in Lancashire. The Extent of the Lands of Henry earl of Lancaster (1346), which appears to make a point of recording the service where it was an incident of tenure, omits to name it as a condition attached to the thegnage lands of Pendlebury (Salf.), Medlar and Grimsargh (Am.) or to the drengages of Wyre (*Lancs. Inquests*, III, 105, 114–17). After enumerating the names and holdings of the eight tenants of a carucate in drengage in Thornton (Am.) the rental adds "and it is the custom of the drenghs to find meat and drink for the lord's *foresters* and provender for their horses and the lord's hounds", but no mention is made of such provision for the bailiffs; nor is puture for either foresters or bailiffs said to be required from the holders of two other carucates in thegnage in the same manor (*ibid.*, 115–16).

Lands in serjeanty were not as a rule burdened with this obligation, but the lord of Heysham, who held his manor by the service of sounding his horn when the earl came into or departed from the county, had to find puture (*ibid.*, 148).

[1] *Lancs. Inquests*, II, 66–7.

[2] *Ibid.*, 68.

[3] Coram Rege R., 297, R. m. 22d.

[4] Beamont, *Annals*, I, 121.

[5] The perquisites of the Court of Rochdale in 1323 and 1325 included a fine of 15*s.* paid by Adam de Hilton and two others on behalf of "themselves and other 'rodemen'" "for respite of puture which ought to be exacted from 'Rodeland'". *Lancs. Ct. R.*, 16, 144. In Bowland Forest also puture was exacted from tenants of "rode-land" if their holdings were equal in value to the holdings of oxgang land which were subject to puture. Coram Rege R., 283, m. 48.

From instances already given it will be gathered that the right of the bailiffs to demand food and lodging was apt to be abused. They claimed hospitality (or a money equivalent) from inhabitants who were not subject to puture, and for more servants than they were supposed to keep. Complaints were also made that they inflicted themselves upon the residents more frequently than was reasonable. This form of oppression was guarded against in some areas by regulating the recurrence of puture. In the Cheshire barony of Halton, for instance, where the master serjeant's staff was a large one, consisting of eight underserjeants and two servants, not only was the number who might billet themselves at a time on any one tenant limited, but no tenant was to be called upon to entertain oftener than once in six weeks.[1] North of the Mersey the bailiffs of Lonsdale were restricted to two putures a year from each tenant chargeable,[2] while the keeper and foresters of Bowland were permitted to have hospitality only once a year " when they wished to take it, except [in] Lent ".[3] Elsewhere in Lancashire, however, the officers seem to have made a practice of demanding puture from a tenant whenever their business took them into his neighbourhood,[4] with the result that in some localities, like those in which the courts were held, the burden became intolerable. John de Radcliffe, the steward of Penwortham and hereditary bailiff of Rochdale, became notorious for the manner in which he presumed upon his privilege in this respect. Whenever he visited Penwortham town to hold his three-weeks' court he required the monks of the priory to give " easements " " for himself, his two clerks and their horses, one horse carrying their harness, and his four grooms " for a whole day and two nights. After he had done so for nearly three years, the abbot of Evesham, as superior of the cell, lodged a complaint which was heard before the itinerant justices at Liverpool in June 1343. The jury testified that the steward was not "seised of such puture as of right except by courtesy only ", and the abbot was awarded £3 as damages.[5] Even more frequent were

[1] Beamont, *Halton Records*, 42–3. [2] *Lancs. Inquests*, II, 155; III, 32.

[3] Coram Rege R., 283, m. 48.

[4] The tenants of the barony of Manchester had to find puture whenever the master serjeant and his sub-bailiffs came to them, provided that notice of their coming had been given beforehand. *Lancs. Inquests*, II, 67. In Blackburnshire it was said to be the custom for the bailiffs to have hospitality from residents " at their discretion (*pro voluntate*) when they came." *Lancs. Ct. R.*, xii.

[5] Ass. R., 430, m. 6d.; W. A. Hutton, *Priory of Penwortham*, 35–9. A similar dispute had occurred some twenty years earlier between the steward of Blackburnshire and the abbot of Whalley. The former demanded, and threatened to enforce by distraint, puture at the abbot's grange of Marland, on the ground that the stewards of Henry de Lacy and earl Thomas had always had such accommodation when they held the lord's court at Rochdale. It was found by inquisition that the stewards " ought not of right to have any such puture except by request . . . and out of courtesy ". *Lancs. Inquests*, III, 3–4.

the calls which John de Radcliffe made upon the custodian of the abbot of Whalley's lands in Rochdale. In prosecuting a suit for refusal of puture before the duke's justices at Preston in 1352 he alleged that he ought to have on the lands in question a mid-day meal and supper every Friday and breakfast every Saturday for two of his under-bailiffs, in addition to "suitable meat and drink" for two other under-bailiffs at noon and in the evening on two days in the year at his own choice.[1] The entry relating to the case in the assize roll is incomplete, but the dispute eventually ended in a compromise by which the serjeant renounced his claims in return for a yearly payment by the abbot of 12*s*.[2]

Abuses of the puture system were encouraged by the prevailing practice of farming the bailiwicks. The acting officers made excessive demands for hospitality as a means of recouping themselves for the farms they paid to the hereditary serjeants or to the lords of franchises. Where they could not obtain lodging they demanded gifts of corn for fodder or other payments in kind and in cash; in this way they could place the whole population under contribution. Repeated accusations and convictions in the king's courts create the impression that such extortion was systematic and universal. By way of illustration we may cite the charges brought against the bailiffs of West Derby before the special commission of 1323. Richard de Bold, we are told, "took his bailiwick to farm at one time for twenty marks, at another time for twenty-four marks, and this farm he levied from the men of the country, asking and demanding from some seed of corn, oats, barley and beans, oblations, swine, sheep and lambs, under the pretext of a 'supplication' (*colore supplicacionis*), knowing that the people dared not refuse these things on account of his malice; to wit, from John, son of Simon de Garston, half a bushel of barley, and from Alan de Meols a measure of beans, and so throughout the whole community of that wapentake". After Richard had been levying these exactions for two years, he was succeeded first by John, son of Robert le Norris, and then by Richard de Molyneux, who both during their years of office "did likewise". Six under-bailiffs were also charged with participating in the extortions, and all the accused, with the exception

[1] Dy. Lanc. Ass. R., 2, m. 4.

[2] Fishwick, *Rochdale*, 70, quoting "Add. MS. 10574, m. 116, 117". The present writer has been unable to find this agreement in the reference (Byron Cartul., 44/259) given by *V.C.H. Lancs.*, V, 190 n. For an account of a similar claim to weekly hospitality by the Master Forester of Blackburnshire at the abbot's "manor" of Brandwood see the writer's *Economic Hist. of Rossendale*, 13–14. In a pleading of 1420 the abbot of Furness tried unsuccessfully to prove that among the dues of his tenant of Kirkby Ireleth was *servitium vocatum sergeantfode, videlicet inveniendi et ministrandi ballivo dicti abbatis honeste et congrue esculenta et poculenta qualibet septimana una die ad ipsius ballivi . . . in hospitio ipsius Ricardi in Kirkebyirlyth predicta ad custagium ipsius Ricardi.* *Furness Coucher*, I, 310–11; II, 759–66.

of one of the sub-bailiffs, were convicted and compelled to fine with the king.[1]

Money, as being easier to collect, was perhaps more commonly demanded than produce, and in small sums it could be extorted from the poorest. Thus the bailiffs and under-bailiffs of the lord of Manchester were accused of taking threepence from one, fivepence from another, sixpence from a third, and so on.[2] If a man refused to be mulcted, there were expedients for making him more tractable. He might find his goods or his cattle seized and be put to much trouble and expense in getting them back again, or he might be threatened with being enrolled for military or jury service.[3] Tenants were so completely at the mercy of the royal and baronial officers that they must often have submitted to unlawful demands in order to escape worse oppressions.

CHAPTER SIX

THE BAILIFFS AT WORK

(*a*) Fiscal Functions

Of the many varied duties which devolved upon the hundred bailiffs most were related to the getting in of revenue of one kind or another, to the administration of justice, and to the raising of military levies. In considering how the Lancashire serjeants discharged their trust, it will be convenient to deal with their activities in these directions separately, though often action which they took may be regarded as belonging to their fiscal and their judicial functions at the same time.

The most important part of their work under the first head was to collect from their respective districts the dues and perquisites belonging to the king, to the lords of the honour and the lords of the hundreds. The arrangements for levying and accounting for these revenues varied

[1] Ass. R., 425, m. 14; Coram Rege R., 254, m. 72. In the same judicial proceedings the king's bailiffs of Blackburnshire were reported to have collected "grain of oats for fodder" from all the townships in the wapentake and to have "maliciously abused those who would not give them such corn". Ass. R., 425, m. 14d.; Coram Rege R., 254, m. 73d. Henry de Bickerstaffe, who farmed the two bailiwicks of West Derby and Amounderness at £20 each, was convicted in 1334 of taking from the inhabitants by threats the amount of his farm "for two years elapsed" in the shape of "sheaves in the autumn and corn of different kinds in the winter and oblations". Coram Rege R., 297, R. m. 21, m. 27.

[2] Ass. R., 436, m. 1d. (1355).

[3] The men of Lonsdale in 1323 asserted that one of their under-bailiffs "took money from every town in his bailiwick" so that he should not burden the inhabitants "with other service than he ought by right" (*qil ne devoir* [*sic*] *charger la ville dautre service q'ele ne devoit de droit*). Ass. R., 425, m. 13; Coram Rege R., 254, m. 73.

from time to time and as between one hundred and another. Before the appearance of the seignorial bailiffs all the issues in each hundred would be collected and answered for to the sheriff by the hereditary or royal serjeant. In Lonsdale and Amounderness this practice was never interrupted, because the hundreds were always kept in the hands of the crown or of the earls or dukes of Lancaster who were the sheriffs of the county. In the rest of the shire, in consequence of the mediatization first of Blackburn and later of West Derby, Salford and Leyland, a division of labour was effected by which the rents and customary payments of the tenants, the perquisites of the courts and such other issues as were granted to the lords were collected for them by their seignorial bailiffs, while the remainder of the revenues were rendered to the sheriff by the royal officers. This dual arrangement proved, however, to be only temporary in Salford and Leyland, for by the middle of the thirteenth century the two bailiwicks in each case were being served by a single official who now collected both the royal revenues for the sheriff and the hundredal profits for the lord. Leyland continued to be held as a subordinate tenure of the honour, but Salford in 1267 became the immediate possession of the earls (and later the dukes) of Lancaster, with the result that the single bailiff was responsible to them for the whole of the revenues of the hundred. It was only in West Derby and Blackburnshire that a separate seignorial office survived, and though both these hundreds reverted to the honour, the one in 1265 and the other in 1311, and were not again alienated, their " bailiffs of the wapentake " still rendered their accounts distinct from those of the " King's bailiffs ". Of the royal issues paid in by the latter, part was of course retained by the lords of the honour by virtue of the regalities which they respectively enjoyed, the rest being delivered by them or their deputies as sheriffs into the king's exchequer.

The method adopted for the collection of the various items of receipt depended whether they were regular payments due at fixed intervals or casual sums contingent upon proceedings in the courts, services rendered by the chancery or decisions of the king's council.[1] Rents, farms and customary renders, usually payable twice a year, were handed by the tenants to the bailiffs at the two great hundred courts or sheriff's tourns. Judicial fines and penalties and fees for writs and charters had to be collected from the debtors at their own homes. No special warrant was needed for levying the amercements of the hundred courts, but for taking those imposed in the county court the hundred bailiffs needed the precept of the sheriff. It was also on the sheriff's authority that they exacted the sums due from inhabitants in their bailiwicks by orders of the central courts or for instruments granted by the chancery. A list of these " king's debts ", as they were called, was received by the

[1] E.g., royal taxes, about which later.

sheriff twice a year. It was compiled under two heads: the "summons of the exchequer"—so-called because it was drawn up by officials of that department from the "estreats" or extracts from the court rolls furnished by the justices—contained the fines and amercements, while the "summons of the pipe", prepared by the chancery clerks, enumerated the amounts owing for writs and charters. From this county list the sheriff's clerks abstracted the appropriate items into separate hundred lists which were sent to the bailiffs as their warrant for collection.

In executing the summonses the serjeants were apparently left a free hand. "When the Barons of the Exchequer", reported a local jury to the judges of the King's Bench sitting at Wigan in 1334, "send the pipe to the sheriff to levy the King's debts, he then makes the rolls for his bailiffs to levy the debts at their will"; and the jurors went on to complain that the debtors were never shown the sheriff's lists, and were sometimes made to pay double the amount they owed.[1] The Lancashire bailiffs were probably no more honest than their counterparts in other counties. Miss Cam [2] has shown that the refusal to give receipts so that the same debt might be demanded a second time and the exaction of payment on out-of-date summonses as well as from persons whose names were not in the lists were common grievances. Sometimes the officers accepted bribes to allow debtors respite of payment, or they refrained from exacting sums owed by their friends. In 1278 the underbailiff of Orm de Kellet, the hereditary serjeant of Lonsdale, was amerced forty shillings for "remitting the king's fines contrary to his oath".[3] It was easy to make up the loss in such cases by squeezing excessive sums out of others less fortunate. As examples of the kind of extortion which was everywhere charged against those who collected the king's debts may be cited three offences of which Henry de Chadderton, the king's bailiff of West Derby, was convicted in 1374. When he was ordered to levy a fine from the commonalty of his hundred for forest offences, he raised ten marks beyond the amount of the penalty. On another occasion, having to collect a fine of seven shillings for a trespass, he took in addition two marks—nearly four times as much—for himself; and when given a writ to execute for the recovery of nine marks as damages for a trespass he exacted twenty shillings and a cow worth six shillings to his own use.[4]

Besides the occasional sums arising out of litigation or owing for the services of the chancery, there were other casual dues like treasure trove, wreck of the sea, deodands, waifs and felons' goods which the hundred bailiff had to collect and surrender to the appropriate authority. Unless such profits had been granted to a subject they belonged to the

[1] Coram Rege R., 297, Rex m. 19d.
[2] See *Studies in the Hundred Rolls* and *The Hundred and the Hundred Rolls.*
[3] *Lancs. Ass. R.*, I, 160. [4] Coram Rege R., 454, Rex m. 13.

crown, and the serjeant was expected to know who were the lawful recipients. The bailiff of West Derby just mentioned was found guilty of taking " a royal fish called sturjon of wreck of the sea " at Crosby and sending it to " one Michael de Rixton, a bailiff of the duke of Lancaster ", when it " ought of right to appertain to the king " ; [1] and in 1246 an assistant of Adam de Kellet, serjeant of Lonsdale, was committed to judgment for taking the chattels of a man who had been outlawed for flight after committing a murder and delivering them to the prior of the Hospital of St. John " without warrant ".[2]

With regard to felons' goods, it was the serjeant's duty to seize the personal property of suspects who fled from justice, of outlaws and of persons convicted of treason, robbery, murder and the like. Accordingly when a certain Henry del Quick, who had been accused of rape in Rainford, escaped into Cheshire to avoid arrest, Henry de Chadderton confiscated his chattels ; but, being a dishonest bailiff, he accepted a bribe of forty shillings by the hands of two Cheshire friends of the fugitive " so that he might come back safely and securely into Lancashire without arrest " and have his goods restored to him.[3] In cases of outlawry and conviction of capital offences the real property of the felon was also forfeit, but not tenements which he held in trust or in right of another. Thus a bailiff erred in 1299 when he seized the lands occupied by Roger de Worsley who had been indicted of murder, for it was proved by inquisition that the lands were the right and inheritance of Roger's wife.[4]

In connection with " waif " it was the business of the serjeant to take charge of lost or abandoned property. Strictly speaking, waif was the right to take stolen goods which had been " waived " or forsaken by the thief in flight. Unless the owner made " fresh " pursuit after the felon or claimed the goods by legal process within a year and a day, they became the property of the crown or of the lord who had the franchise of waif. But the term was also used in a wider sense to denote any chattels found ownerless, including animals which had wandered out of their owners' care and which were more correctly called estrays. The finding of " waifs and strays " had to be proclaimed by the bailiff in the next two market towns on two market days, and if they were not redeemed and their keep paid for within a year and a day, they likewise were forfeit to the king or the lord of the liberty. The part played by the Lancashire serjeants and their assistants in the impounding and sale of beasts " of waif " and " of estray " is abundantly illustrated in the rolls of the wapentake and seignorial courts and the ministers' accounts, but very few charges of extortion or fraud in this connection were brought against them. Perhaps the most serious accusation was

[1] Coram Rege R., 454, Rex m. 13. [2] *Lancs. Ass. R.*, I, 106.
[3] Coram Rege R., 454, Rex m. 13.
[4] *Cal. Misc. Inquis.*, I, No. 1808 ; *Lancs. Inquests*, I, 305.

one proved against Robert de Hulme and his sub-bailiffs of Salford in 1323. They bought cattle which had been " removed from those to whom they belonged " and, " claiming them as wayfes before the limited time ", drove them into Cheshire and sold them so that the owners were unable to take legal proceedings to recover them.[1]

Though no evidence has been found to show that the hundred bailiffs of Lancashire had anything to do with tallages and scutages, they were concerned in the raising of the taxes on movable property which superseded those imposts as the chief source of the extraordinary revenue of the crown after the introduction of the representative system in Parliament, and especially after the expulsion of the Jews. The necessities of the Scottish wars frequently compelled Edward I and Edward II to apply to Parliament for aid, which was granted in the shape of general taxes of fractional parts of merchandise and other personal goods. The amounts varied from a sixth to a thirtieth. Most often a uniform proportion was demanded from all the taxpayers, as a ninth in 1297, a fifteenth in 1290 and 1313, a sixteenth in 1316 and an eighteenth in 1319; but sometimes a heavier tax was imposed on those who dwelt within than on those living outside the cities, boroughs and the royal demesne, as when a sixth was levied from the former and a tenth from the latter in 1294 and 1322, and a twentieth and a thirtieth in 1306.[2] The method adopted for assessing and collecting the levies was not always precisely the same, but its general features may be gathered from the instructions issued for raising the sixth and tenth in 1322.

Two or three commissioners were appointed in each county to act as chief taxers or assessors, with authority to elect one or more clerks to assist them. They were directed to cause to come before them a sufficient number of the most lawful and substantial men of each city, borough and township, from whom they were to choose four or more at their discretion as sub-taxers. These were to be sworn to assess fully and truly all the goods which everyone had on a certain date in field or house or elsewhere. The assessments were to be entered on an indenture, one part of which was to be delivered to the chief taxers, while the other part was to be retained by the sub-taxers under the seal of the commissioners. After receiving the indentures the latter were to go from hundred to hundred and from township to township to ascertain whether the assessments had been correctly made, to make any necessary corrections or additions, and, if they found any concealment, to report to the treasurer and the barons of the exchequer the names of the defaulters and the nature of their default. Then they were to prepare two identical rolls of taxation for the whole county;

[1] Ass. R., 425, mm. 7, 7d., 15, 16; Coram Rege R., 254, m. 72d.

[2] Occasionally only the citizens, burgesses and dwellers in the demesne were called upon to contribute: a fifteenth in 1315, a twelfth in 1318.

one to be sent to the exchequer, the other kept for levying the tax, which was to be done without delay and without showing favour to anyone.[1]

Simultaneously with the commissions sent to the principal assessors, writs were addressed to the sheriffs bidding them to assist and cause their bailiffs to assist in the work.[2] In what way they were to help was not indicated, but it has been conjectured that the sheriffs and their subordinates may have acted as supervisors of the sub-taxers or as intermediaries between them and the royal collectors.[3] Some support to this suggestion is afforded by evidence given in an inquiry which was held in Lancashire not long after the grant of the sixth and tenth in 1322. On 18th July, 1323, two justices were appointed to hear and determine complaints of misconduct on the part of the sheriffs, bailiffs, taxers, collectors and others who had been concerned in the collection of subsidies in the counties of York, Lancaster, Westmorland and Cumberland since the accession of Edward II.[4] The investigation in Lancashire opened at Clitheroe on the 20th August and was continued at Preston on the 22nd. Some of the officials were convicted and punished forthwith, others were remanded for trial in the court of King's Bench at Wigan in the following October. The accusations laid against the hundred bailiffs and their subordinates throw much light on the part they played in the business of national taxation. The serjeants of West Derby, Salford and Lonsdale were alleged to have received money "to be of service to the townships" or "to help and spare them" in one or other of the recent assessments.[5] Edmund de Nevill, who farmed his office in Lonsdale from Sir Robert de Holland, "took a large sum of money from divers townships in his bailiwick to help them against the chief assessors of the tenth and sixth . . . so that they should not be assessed at the true value of their goods and chattels"; and the jurors went on to give particulars of the various sums he had received: "to wit, from the town of Tatham by the hands of Ralph Bowet, five shillings; and the town of Arkholme by the hands of Adam le Recevour, ten shillings", and so on.[6] The under-bailiffs of West Derby were reported to have acted in the same way "at every assessment in the time of the present king".[7]

No doubt the hundred officers posed as the protectors of the people against the unscrupulous conduct of the chief collectors and their clerks. At the taxation of the sixteenth, we are told, William de Skipton and Robert Pelle of Preston, the clerks of Thurstan de Norley the chief

[1] *Parl. Writs*, Vol. II, Div. ii, 279. [2] *Ibid.*; *Rot. Parl.*, I, 457.
[3] Cam, *Studies*, 171.
[4] *Parl. Writs*, Vol. II, Div. ii, app. 231; *Cal. Fine R., 1319–27*, 226–7; Ass. R, 425, m. 15.
[5] Coram Rege R., 254, mm. 72, 72d., 73.
[6] *Ibid.*, m. 56. [7] *Ibid.*, m. 72.

taxer, refused to allow the " bills of taxation " which the sworn under-taxers of the towns in Blackburnshire presented to them, on the pretext that they were " falsely and badly presented ", and would not receive them " until each town made fine with them to their own use ". In this way they exacted sums ranging from a shilling " from one poor village " to five shillings or half-a-mark from others.[1] Similarly the clerks of the chief assessors of the eighteenth extorted forty pence from every township in West Derby and Salford " for receiving the rolls ".[2] But the " services " of the bailiffs were not offered to be accepted or refused by the townships at their option. The " rental " had to be paid whether the " help " was wanted or not, and men who refused to pay their share were " harassed ".[3] Nor did the unwelcome assistance of the bailiffs save the inhabitants from the rapacity of the royal collectors. The men of West Derby asserted that at the assessments of the sixteenth and the eighteenth every one of their sixty-three townships had been made to pay three shillings and fourpence to the chief taxers and their clerks in addition to twelve pence demanded by the king's bailiffs.[4]

Although the serjeants were not employed to gather the national subsidies, they were at times charged with the collection of levies of a local character, as, for example, a rate for the mending of a bridge or a highway for the upkeep of which the inhabitants were responsible. One of the many abuses imputed to Robert de Hulme was the appropriation of eight marks which he had received from the men of Salfordshire for the repair of Salford bridge.[5] Other levies which may be classed as local were those for the payment of the wages and expenses of the county representatives in Parliament. At the end of each parliamentary session royal writs for the purpose were issued to the knights directed to the sheriffs of their respective counties. The sheriff apportioned the necessary amount among the hundreds and instructed the royal serjeants to collect the quotas from the freeholders. Several officers of West Derbyshire suffered amercement in 1323 for levying more than was needed. In two cases the charge of extortion was coupled with one of irregularity on the part of the sheriff himself in conducting the election.

[1] Ass. R., 425, m. 14d.

[2] *Ibid.*, m. 15d.; Coram Rege R., 254, m. 73.

[3] Walter le Hunt, " the King's bailiff ", was convicted of taking by extortion 12*d.* from each of the forty-two townships in Salford hundred " for giving his aid " at the assessment of the sixteenth, and " harassing the men of his bailiwick who were unwilling to pay ". Ass. R., 425, mm. 7, 15d.; Coram Rege R., 254, m. 73.

[4] Ass. R., 425, m. 15d.

[5] *Ibid.*, mm. 7, 15d.; Coram Rege R., m. 72d. He admitted collecting 100*s.*, but stated that he had repaid the money to the contributors. The trial jury, however, found him guilty and he was committed to prison until he had fined for this and other offences.

It was alleged against William le Gentil,[1] for instance, that when he received the king's writ " to cause two knights to come from the county to parliament " in 1320, he did not allow them to be chosen " by all the commonalty ", but " elected them out of his own head " ; and that when the knights returned with the writ for their expenses he ordered Richard de Bold, the king's bailiff, to levy twenty pounds, " whereas ", said the jury, " the community of the county could have had by their own election two sufficient men to go to the parliament for ten marks or ten pounds ". The serjeant and his sub-bailiff, William de Winwick, were indicted for levying " as much for their own use as they did for the use of the knights ".[2] At a later date the notorious Henry de Chadderton was convicted of taking from the commonalty of the same wapentake twenty shillings beyond the sum rated every time a writ had been issued during his term of office.[3] If the freeholders objected to giving more than was due, the officials had means of coercing them. After the Parliament of 1338 the township of Liverpool was assessed at eighteen pence, but by seizing " forty oxen and cows in the name of distress " William de Burgh was able to make the owners pay six shillings and eightpence.[4]

Closely connected with the bailiff's fiscal functions was his work as the sheriff's local agent in purchasing food for the royal table and in requisitioning supplies and transport for the king's army. For this purpose the sheriff and his officers were permitted to exercise the right of prise or pre-emption, a privilege which lent itself to many abuses complained of in Parliament as well as in the courts. Provisions, wagons and beasts of burden were commandeered without being paid for, either because the sheriffs had not received writs authorizing them to make payment, or as sheer acts of extortion under cover of the king's orders, and bribes were accepted to excuse men from parting with their goods or vehicles. During the Scottish wars the northern counties were repeatedly called upon to furnish supplies and services for the troops, and the manner in which the purveyances were conducted caused so much dissatisfaction that special commissions were issued to investigate complaints and punish the offenders.[5] An inquiry in Lancashire revealed evils in which a number of local bailiffs were implicated.

On 24th March 1322, a mandate was sent to Robert de Leyburn, then deputy sheriff, to purvey 1,000 quarters of oats and 500 salted hogs' carcases in the county and send them to Newcastle-on-Tyne.[6] Roger

[1] Appointed deputy sheriff, 5 Oct. 1320 ; in office till 13 March, 1322.

[2] Ass. R., 425, m. 14 ; Coram Rege R., 254, m. 72. A similar accusation was made against Henry de Malton, sheriff from Mich. 1317 to Oct. 1320.

[3] Coram Rege R., 454, m. 13.

[4] Ass. R., 430, m. 28d.

[5] E.g., 20 July 1303 and 10 July 1323 ; *Cal. Fine R.*, I, 481–2 ; III, 224–5.

[6] *Cal. Pat. R., 1321–4*, 94.

de Kendal, " king's clerk ", was at the same time sent " to supervise " and hasten the buying and the sheriff was instructed to pay him eighteen pence a day for his wages.[1] A later mandate ordered the provisions to be sent to Skinburness in Cumberland instead of Newcastle,[2] but part of them were never despatched, for more than a year later it was stated that they were " in the custody of certain men . . . at Weryngton, Hoton Graunge [Hutton Grange] and Liverpool castle ". They had not been paid for and, as a truce had been signed with the Scots, the king had ordered them to be restored to the suppliers.[3] There is nothing to show how far this instruction was obeyed, but the conduct of the officers in executing the purveyance was fresh in the minds of the people when the justices opened their inquiry in the summer of 1323. The jurors of Lonsdale related how Roger de Kendal had gone from vill to vill, requiring five quarters of oats and six bacons in Lancaster, three quarters of oats in Caton, two and a half quarters in Wrayton, and further quantities from the other vills until he had " caused to be taken seven score and ten quarters of oats and thirty bacons in the wapentake ", and how " nothing had been paid for them ".[4] That the hundred bailiffs helped in the requisition is shown by a similar statement made about the officers of Salford.[5] When the offenders came up for trial in the autumn, more details were disclosed. The sheriff, his clerk and the serjeants of Lonsdale and Blackburnshire not only requisitioned the provisions without payment, but " when they could not find oats or carcases, they took money, to wit, five shillings in lieu of a quarter of oats and two shillings for a hog's carcase " ; [6] and Robert de Hulme of Salford and his sub-bailiffs, Gilbert de Bromihurst and Richard de Newham, were all unable to deny that they had received " fines from some of the men of the wapentake to spare them so that they should not take their grain to the king's use ".[7]

Other cases of extortion and embezzlement were brought to light in connection with a purveyance in the following reign. Robert Foucher [8] was commissioned in 1333 to buy oats in Lancashire, also intended " for the king's use in the war with Scotland ".[9] It turned out that they were not needed and Foucher was instructed to sell them and repay those who had supplied them out of the proceeds. From the inhabitants of Leyland he had taken 120 quarters by " heaped up measure ", but instead of selling these he gave back by " strake measure " seventeen

[1] *Cal. Close R., 1318–23*, 431 ; Coram Rege R., 254, m. 55d.
[2] *Cal. Close R., 1318–23*, 555.
[3] *Ibid.*, 653.
[4] Ass. R., 425, m. 13.
[5] *Ibid.*, mm. 7, 15d.
[6] Coram Rege R., 254, m. 55d.
[7] *Ibid.*, m. 72d. ; Ass. R., 425, mm. 7, 15d.
[8] Appointed deputy sheriff, 16 May 1332 ; in office till Easter, 1335.
[9] Mandate to purvey 1,000 qrs. of oats and 300 bacon hogs ; *Cal. Close R., 1333–7*, 25–6.

out of every twenty quarters collected and kept the rest for himself. Henry de Bickerstaff, the bailiff of Amounderness, and his assistant Robert de Schalaston, whom he had deputed to obtain the provisions from that hundred, restored only three-fourths of the hundred quarters of oats they had received, and made a "great sum of money" in bribes "to spare divers men in the takings".[1]

(*b*) Judicial and Military Executive Functions

Some of the functions of the hundred bailiff which have already been described were subsidiary to the administration of justice. When, for example, he collected a fine or an amercement, his action more often than not was the result of a legal decision, and the writs for which he collected the fees were usually to set in motion some process of law. There were, however, many other duties which the serjeant had to perform in connection with the business of the courts, and it is his jurisdictional activities which are generally emphasized in medieval definitions of his office.

The most detailed contemporary description of the work of the royal serjeant in a Lancashire hundred is that which was given at the inquisition *post mortem* of Sir William Banaster, the king's bailiff of Amounderness and Blackburnshire, in 1323. The jury defined Sir William's functions in the following terms: to execute the mandates of the king's courts by writs and summonses, and by summonses of the king's exchequer by precept of the sheriff; to execute the judgments of the county court, the sheriff's tourn, and the wapentake court of Amounderness; to deliver summonses, make attachments and levy distraints by the sheriff's precepts or those of the keepers of the king's lands for the time being; and to execute all other duties pertaining to the bailiwick of the serjeanty of fee.[2] With some modifications this statement would apply to all the serjeanties of the Lancashire hundreds. It will be noted that though Sir William Banaster was the officer of Blackburn as well as Amounderness, the administrative business of the wapentake court of Blackburn did not lie within his province. That hundred had been the jurisdictional area of the Lacys, who had had their own executive officers, and after the honour of Clitheroe had reverted to the earldom of Lancaster the seignorial bailiwick had been preserved. In West Derby also the executive business of the hundred court was performed by a separate official. In Salford, Leyland and Lonsdale, as in Amounderness, the royal serjeant executed the judgments of both the hundred and the county courts. Further, it is probable that in these four hundreds the royal bailiffs acted as the presidents as well as the

[1] Coram Rege R., 297, Rex m. 19.
[2] *Lancs. Inquests*, II, 160; *Cal. Inquis.*, VI, 288.

serjeants of the wapentakes, while in Blackburn and West Derby the seignorial bailiffs may have presided.

For the most part the judicial functions of the serjeant were carried out in obedience to the orders of some superior authority. He is represented in the pronouncement of 1323 as the servant of a local court of justice or the agent of a high royal official—the sheriff, an escheator [1] or other keeper of the king's lands. In matters of civil jurisdiction he attached litigants either on the instructions of a local tribunal, or by command of the sheriff who had received the order from a higher court; and he delivered writs by order of the sheriff to whom they had been sent direct from the chancery or the exchequer or handed by a plaintiff in the county court. In criminal cases, too, the bailiff's functions were most often of a subordinate nature. When a person had been presented by a jury or appealed by a private individual, it was by the sheriff's direction that the bailiff arrested or "attached" him to answer the charge, whether the sheriff acted on his own authority as the presiding officer of the county court or the tourn, or transmitted the order from a royal judge.

That much of the serjeant's work in relation to the administration of justice was of this ministerial character is attested by the legal records, from which a few abstracts may be given by way of illustrating the procedure. William de Prees brought the king's writs from the sheriff for Nicholas de Holden, the acting royal bailiff of Blackburn and Amounderness, to execute. Because Nicholas refused to do so until William had paid him two shillings, he was presented before the justices.[2] William de Singleton, who succeeded to the hereditary office of the same bailiwick in 1244, was instructed by the county court to attach four men who had been appealed of assault and robbery. He neglected the order and, though the appellant withdrew from the prosecution, was committed to judgment at the assizes of 1246.[3] John de Bolton, a sub-bailiff of Amounderness, failed to arrest Thomas Bennett, who had been indicted of "a certain felony committed against the king's peace" and was himself attached. When brought before the justices he pleaded that after he had received the sheriff's precept he could not find the culprit, but as the jury bore witness that he "well knew where Thomas could be found in the town of Lancaster, and knowingly permitted him to go away", he was sent to gaol.[4] Another defaulting bailiff, William de Read of Blackburnshire, was more fortunate in his defence. He admitted receiving the precept which an appellant had

[1] "Adam Busshell and Thomas de Amundernesse, bailiffs of L[aylon]dshire, by order of William de Nessefeld, then escheator, took Thomas Kitte . . . outlawed for felony, with twenty marks upon him which he had stolen [from the] friars minors of Preston, to the county court." *Cal. Misc. Inquis.*, III, No. 491.

[2] Ass. R., 425, m. 14. [3] *Lancs. Ass. R.*, I, 85. [4] Ass. R., 421, m. 1 (1306).

brought him from the sheriff, but said that he had not been able to attach the accused by the time he had to return the precept (which he had no doubt endorsed to that effect). The jury corroborated his explanation and he was acquitted.[1]

While, however, the Lancashire serjeants were dependent on superior authority for a great deal of the police work they had to do, they were at the same time vested with powers of independent action for the repression of crime and the maintenance of order. The hereditary officers of West Derby, Lonsdale and Blackburn and Amounderness held their lands " by serjeanty of keeping ward of the wapentake " (*per seriantiam custodiendi wapentacum*).[2] A like charge was imposed on baronial bailiffs. The officer of the baron of Manchester was " sworn to ride over and keep watch over the lordship ". He was called " Grith-serjeant " or keeper of the king's peace,[3] a term which was also applied to the bailiff of Furness and the hundred bailiffs. Like the " serjeants of the peace " of other northern counties, of Cheshire, parts of Wales and the marches, both the hundred and seignorial officers of Lancashire were expected to travel through their provinces, keeping watch and taking cognizance of offences against the peace. They could on their own initiative attach anyone whom they knew or suspected to have committed a crime, and with this power of attachment went the duty of presenting the offender at the local court, or of laying information against him which would lead to an indictment by a jury. Persons whom they attached " by the body " were handed over to the sheriff, who detained them until the king's justices came round to deliver the gaols, or released them under sureties to appear for trial.

The assize rolls of the thirteenth and fourteenth centuries record the trials of numerous persons who had been " taken on suspicion " of robbery, cutting purses, breaking into churches and other criminal offences. The prisoners nearly always denied the charge, even though they were said to have been caught with the stolen property or other evidence of their guilt upon them. They " put themselves on the country " : that is, they demanded an inquiry by a jury of their country-

[1] Ass. R., 425, m. 8. Sometimes the serjeant was bidden to raise the hue and cry to assist in arresting an indicted person, and if the culprit resisted arrest he might lawfully be killed on the spot. John, son of Robert de Read of Clitheroe, was arraigned at the sheriff's tourn for killing Henry de Ridding and burgling three houses and the parish church of Whalley. The sheriff ordered the bailiffs of Blackburnshire to take with them the four neighbouring townships and the constables of the peace to attach him. John fled, and as he refused to be taken, was wounded and executed by one of the pursuers. *Cal. Misc. Inquis.*, II, No. 339. But such summary executions had to be made in the presence of the bailiff and witnesses so that official report might be made to the king's justices at the next eyre.

[2] *Book of Fees*, I, 368–9; *Lancs. Inquests*, I, 116, 121, 122.

[3] Harland, *Mamecestre*, II, 374; *Lancs. Inquests*, II, 66.

men, and quite often they were acquitted. But if they were proved guilty they were sentenced to be whipped or hanged according to the gravity of their offence. Amongst the prisoners who were brought before the judges assigned to deliver Lancaster gaol in 1303 were John, son of Magge of Capernwray, and Richard Pick. John denied the theft of which he was suspected, but the jurors testified that he had stolen a sheep. As the animal was worth only eightpence he was sent back to prison and ordered to be flogged.[1] Richard, who had been "taken for suspicion of robbery with the stolen cloth found on him" was declared guilty and, presumably because the value of his theft was more than a shilling, he was sentenced to be hanged, and the township of Tyldesley to which he belonged was made to answer for his chattels which were forfeit to the crown.[2]

Negligence and corruption on the part of the bailiffs was as common in this as in other parts of their duty. The assize rolls of 1319 record that "all the bailiffs except the bailiff of Leylandshire" were fined "because they did not present".[3] The perquisites of the wapentake courts of Salford, Amounderness and Lonsdale during 1324–5 include many amercements for failure to prosecute offenders and to produce them in court.[4] It is known from other sources that some who paid the penalties were bailiffs, though it is not always clear whether it was in that capacity or as sureties that they failed to bring the accused. Bribes were taken to let men go free after arrest. John Fillecunte, the assistant of the hereditary serjeant of Lonsdale, on three different occasions captured men with stolen goods. In each case he bound the prisoner and took him "towards Lancaster", ostensibly for imprisonment in the castle. On the way he accepted money and set them at liberty. He was amerced forty shillings, and Adam de Kellet, "whose serjeant he was", was committed to judgment.[5] Payment was demanded to conceal felonies. When Adam Symson Hanson of Lydiate stole a gold noble and goods to the value of twenty shillings, Henry de Chadderton took from him twenty shillings "by extortion" so that he "might safely and securely stay within his bailiwick without arrest".[6] Nor are there wanting instances to show that the bailiff's *ex officio* power could be used to victimize innocent people. Richard le Prestson, "when he was the king's bailiff, met a certain strange man of Salfordshire in Warrington market-place and accused him of being a cutpurse". At his trial he acknowledged that he had made the stranger give him five shillings not to be taken into custody.[7]

[1] Ass. R., 417, m. 6.
[2] *Ibid.*, m. 8.
[3] *Ibid.*, 424, m. 11. The affeerment was, however, cancelled, "because it was affered without the record of any of the justices".
[4] *Lancs. Ct. R., passim.*
[5] *Lancs. Ass. R.*, I, 112.
[6] Coram Rege R., 454, Rex m. 13.
[7] *Ibid.* 254, m. 43d.

It is not improbable that the attachment of those who discovered corpses came within the *ex officio* duties of the serjeant. The " first finder " would be required as a witness at the inquest. After the inquiry the coroner ordered the discoverer of the body or any person who was present at the death or found in the house of the deceased, and anyone who was suspected of homicide, to be attached for appearance before the justices at the next eyre. The names of such persons were entered on the coroner's rolls which were delivered to the judges before the proceedings began. Then the jury of the hundred in which the corpse had been found reported the fact. During the assizes of 1246 the twelve of Lonsdale presented that Gilbert Gosman had been drowned in Candover Water, but Mabel de Coldcoats, who found the body, was not present. It was disclosed that she had not been summoned, so not only the coroner but also " Adam de Kellet, the chief serjeant, who ought to have attached her " was ordered to come up for judgment later.[1] The bailiff's responsibility was not ended when he had secured the appearance of the first finder. He had to see that the property of the deceased was not appropriated by unauthorized persons. If the identity of the body could not be established, the apparel and any money found on it had to be given to the poor ; otherwise these things had to be delivered to the man's executors or administrators, or to the ordinary. Adam de Kellet erred again when a man had been found drowned in the Lune. He attached the finder, but as it was made known that four men of Hornby had stripped the corpse " of all his clothes and things ", he was called to account for not attaching them also.[2] The property had to be surrendered to the lawful recipient without fee ; hence for detaining the goods and chattels of Roger Short, who had lost his life accidentally in the Mersey, " until the said Roger's friends made a fine with him of thirteen shillings and fourpence ", a serjeant of West Derby was in 1343 amerced on a charge of extortion.[3]

There were, moreover, times when a hundred bailiff acted on his own responsibility in levying distresses. A tribunal or the sheriff might command him to make distraint to enforce a legal decision or ensure the presence of a person in court, but in collecting rents and dues, the king's debts and the fines and amercements of the wapentake and county courts he could distrain to compel payment without any special order. A similar power was vested in the seignorial bailiff in respect of debts owed to his lord. The goods seized were as a rule cattle or horses, which were driven off to a pound and kept until the debt was paid or surety given and the bailiff or keeper of the pound reimbursed for the maintenance of the animals.

[1] *Lancs. Ass. R.*, I, 105.

[2] *Ibid.*, I, 107. Later the constable of Hornby paid a fine of two marks for the men who had robbed the clothes.

[3] Ass. R., 430, m. 28d.

No doubt there were many local enclosures reserved for distresses, but there would be at least one king's or earl's pound in each hundred. That in the castle of Lancaster served for Lonsdale, another in Clitheroe castle for Blackburnshire. In West Derby and Salford the pound was situated in the chief vill of the hundred. The " pinfold " in Salford, being in decay, was reconstructed in 1440–1 under the direction of the bailiff Ralph Ellis. The account of his expenses shows how the work was carried out. Four hundred oak poles were purchased for eight shillings and the carter who brought them " with his beasts and wagon " was paid one shilling and eightpence. A carpenter who shaped and erected the paling earned half a crown, while another who made the door received fourpence for his day's work. Finally, " one lock and key and staple were bought for the same door " for sixpence ; the total cost amounting to thirteen shillings.[1]

For " the ward of the cattle and attachments of Amounderness " the pinfold at Ribby was farmed out to the " bondmen " of the village, who were permitted to charge a penny in winter and a halfpenny in summer for each beast (*averium*) kept for a day and a night.[2] In West Derby hundred the custody of the pound was a serjeanty held by the hereditary reeve of the chief manor.[3] Normally, however, the bailiffs themselves were responsible for guarding the distresses, and it does not appear that the fees for maintenance were a regular part of their perquisites. The only officer who seems to have been allowed to retain these charges was the royal serjeant of West Derby and he distrained only for the king's debts.[4] The bailiff of Salfordshire, who acted on behalf of the local and the central courts, rendered his account of " the ward of the beasts in the lord's fold " to the earl of Lancaster.[5]

It is possibly because the Lancashire officers did not as a rule enjoy the profits of foldage that comparatively few instances of unlawful distraint are recorded against them. They were not tempted to refuse the payment of a debt when tendered for the sake of the fees payable on impounded cattle ; [6] though occasionally they seized beasts " under colour of their office and without warrant " to compel the owners to fine

[1] D.L. Mins. Accts., 100/1790.

[2] *Lancs. Inquests*, II, 133 ; III, 124 ; D.L. Mins. Accts., 100/1790. The farm paid in 1322 and 1346 was 6*s.* 8*d.* ; in 1440–1 half that amount.

[3] *Lancs. Inquests*, I, 26.

[4] *Ibid.*, II, 47. He was entitled to take ½*d.* per night in winter and ¼*d.* in summer for each animal impounded.

[5] *Ibid.*, III, 193. Henry Pilkington, a tenant of five burgages in the borough of Salford, claimed in 1346 to have " ward of the lord's pinfold within the town and the profits of the beasts impounded by the bailiff of the wapentake ", but as he showed no charter the fold was taken into the lord's hand " until it be shown ". *Ibid.*, 101.

[6] See *Eyre of Kent* (Selden Soc.), I, introd., lxxxv.

for their release,[1] or distrained upon purchasers of land in order to exact a fine for " entry ".[2] Nor have any cases been noted of those grosser forms of abuse, like the starving or ill-treatment of animals, or the sale of them before they could be redeemed, which were so frequently imputed to bailiffs in other parts of the country.[3] On the other hand, the Lancashire serjeants had often to meet resistance from those whose cattle they took and found themselves unable to prevent animals being recaptured.[4] The Ralph Ellis previously mentioned had sums of 20*s*., 37*s*. 6*d*. and 21*s*. 3*d*. in successive years respited to him " in respect of divers amercements put upon divers tenants " in his bailiwick of Salford because, though he took distresses from them, these were rescued by the tenants " who likewise made assault upon the said bailiff." [5]

The credit of first drawing attention to the *ex officio* functions of the Lancashire bailiffs—more particularly in arresting and keeping in custody known or suspected criminals, in presenting crimes and breaches of the peace and in taking charge of the goods of felons and persons found dead, deodands, and the like—belongs to the late Mr. R. Stewart-Brown,[6] who has also pointed out the close resemblance of these officers to the serjeants of the peace of Cheshire, Shropshire, parts of north and south Wales, and in other northern counties of England. In these areas, it has long been known, the frankpledge system, on which the maintenance of the law in other parts depended, did not obtain ; what was not realized was that " the police duties elsewhere performed by the tithing under the superintendence of its headman and enforced by the periodical oversight of the sheriff in his tourn,[7] or in the courts of such lords as had obtained the right to do so ",[8] were here performed by the serjeants. It is chiefly in the exercise of these functions that the northern, Welsh and border serjeants are seen to be differentiated from the hundred and

[1] E.g., William Smallwood, bailiff of Lonsdale. Coram Rege R., 254, m. 73d. In this and other cases, however, it is not certain that the seizures were technically distraints.

[2] E.g., the bailiffs of Leyland and Penwortham. Ass. R., 425, m. 13.

[3] See Cam, *The Hundred and the Hundred Rolls*, 82–5, 158.

[4] E.g., when William de Burgh and his assistant Thomas le Jeu impounded Henry de Trafford's cattle in the " fald " of Salford " for the king's debt in arrear " Peter de Trafford and three others drove them away, for which " rescous " they were imprisoned and fined. Ass. R., 430, m. 30.

[5] D.L. Mins. Accts., 100/1790. [6] In *The Serjeants of the Peace* (1936).

[7] " The sheriff's tourn, at which the maintenance of the tithings was investigated, was unknown in Cheshire until the middle of the fifteenth century, and then had no links with frankpledge." Stewart-Brown, *op. cit.*, 100. In Lancashire there was no sheriff's tourn before 1241. In that year, Robert de Lexington, justice in eyre, " ordered the sheriff to make two tourns yearly for keeping and enquiring into the king's peace ". *Lancs. Ass. R.*, I, 66.

[8] Stewart-Brown, *op. cit.*, 102.

shrieval bailiffs of other counties. Connected with the office of the serjeants of the peace were certain incidents which likewise distinguished them. One was the puture system by which they were in part maintained, and which, with variations of nomenclature and incidence, was a common feature in all the serjeant areas.[1] Another was the service of "bode and witness", enforceable in Cumberland, Westmorland, Durham and Lancashire.

In making attachments, levying distresses and delivering summonses, the northern serjeants were empowered to call upon certain of the inhabitants to assist them, to witness the act, and subsequently to bear testimony in court that the act had been executed. Upon what principle the incidence of the duty was governed cannot always be determined, but, like puture with which it was often, though not always, associated, it appears to have been a tenurial obligation resting by custom on specific free holdings. Evidence of its enforcement in Lonsdale and Amounderness has not yet been found in the records available, but the service is clearly demonstrable in all the other Lancashire hundreds. Thus it was a condition of the tenure of the manor of Balderston that the lord should find "puture for a certain horse-serjeant of the said earl [of Lincoln] itinerating in the latter's name in the wapentake of Blackburn to make summonses, distresses and attachments; and to find one man who is called Wytnesseman who ought to attest the same"; [2] and the tenants of Ditton, Garston, West Leigh, Formby and other townships in West Derby were bound to "go with the bailiff of the county and wapentake to the next township to witness distraint as often as and when by their course (*currus*) it shall happen together with their neighbours".[3] The custom is evidenced in Salford [4] and Leyland [5] and in at least two of the baronial jurisdictions. The tenants of a freehold in Thornton had to "do bode and 'wythnes' at the court of Warrington",[6] while in the barony of Manchester the service was binding upon all the free tenants who owed puture.[7]

[1] *Ibid., passim.* [2] *Lancs. Ct. R.*, xii. [3] *Lancs. Inquests*, III, 90–2.
[4] *Ibid.*, 102–3. [5] *Lancs. Fines*, I, 152.
[6] *Ibid.*, I, 109. William le Boteler in 1256 remitted his right to claim bode and witness for any serjeant of his from his tenant the lord of the manor of Halsall.
[7] The Extent of Manchester, 1322, gives the most detailed description of the obligation of "bode and witness". "If any distress or attachment should have to be made upon anyone in the lordship by any of the said bailiffs, each of those (specified) tenants, if he be required for this, shall assist that serjeant to make the said distress or attachment, and if any summons should have to be made upon any one by any one of them, or distress should not be permitted to him (the bailiff), each of those tenants who should have been requisitioned for this shall furnish to the serjeant his testimony to the court baron of Mamcestre; . . . if any tenant should make default in any particular of the said custom, he ought to be impleaded by the said serjeants in the said court, and there make amends for the offence." *Lancs. Inquests*, II, 67.

The terms " witness " and " witnessman " are self-explanatory, but the significance of " bode " is less obvious. Professor Plucknett, commenting on the custom, quotes a plea relating to the manor of Beetham in Westmorland, where the lord owed puture to the " landeserjaunt " of the baron of Kendal and had to find two " wytnesmen " to supervise and testify in the baron's court to the executions of summonses, distraints and attachments made in the manor, and suggests that the " landeserjaunt " " may perhaps be none other than the ' bode ' under a partly Normanized name ".[1] It is possible, however, to argue that the two words " bode " and " witness " refer to one and the same person, namely the tenant who owed the composite service. The tenant of the barony of Warrington above mentioned was required to *do* " bode " as well as " witness ". As Mr. Brown observes, the former term is allied etymologically with " bedell " or " beadle " ; it may, therefore, signify the duty which the tenant had to perform as the bedell or assistant of the serjeant.

The origin of the custom is even more obscure. Its existence in Anglo-Saxon times has been inferred from a pre-Conquest Cumberland charter which speaks of land granted " myd bode and wytnesmann " ;[2] but in Mr. Brown's view the expression quoted refers to the grant having been made " with public proclamation (bode) and before witnesses ", rather than to judicial service of the kind under discussion. Nevertheless he agrees that there are strong grounds of probability and analogy for accepting the great antiquity of the institution. He sees a possible connection with the testimony required from the sheriff and from the hundred by Anglo-Saxon law to many transactions. There was need also, he argues, long before the Conquest for " witnesses to criminal deeds, to their admission before local representatives, and to the evidence afforded by a dead body, bloodshed and injuries ". Moreover, witness would be required to the taking of sureties for appearance at court and to the levying of distress which was governed by strict and ancient rules. Some of the special duties which are found to be performed by " witnessmen " in the thirteenth and fourteenth centuries must have been of importance from a very early date. That they should become an incident of tenure is quite " in accord with the history of other early types of suit ", and would be a natural development " where there was no official machinery to enforce the giving of evidence and the *subpoena* did not exist ".[3]

Besides the witnesses, sureties, offenders and litigants whose presence at court must be seen to, there were the jurors. Much of the time of the bailiffs was taken up with preparing the " panels " of freemen from whom the requisite number of jurymen were sworn, and with delivering

[1] *Law Quart. Review*, LIV, 427. [2] *E.H.R.*, XX, 612. [3] *Op. cit.*, 82–6.

the summonses of attendance to those whom they placed on the lists. For the ordinary hundred courts this was done on the bailiffs' own responsibility, but when the half-yearly tourns, the county courts or the assizes were to be held, they received instructions from the sheriff to make the panels and return them to him. Their freedom to exercise their discretion in naming suitable persons gave them ample opportunities for favouritism and extortion. No one was eager to render jury service. Apart from the inconvenience and loss of time involved in obeying the summons, jurors ran the risk of pecuniary penalties or imprisonment if they failed to make a presentment or gave incorrect or incomplete information. Hence persons who could afford to pay for exemption were usually ready to do so, and the officers were not slow to take advantage of the fact. A favourite device was to empanel a much larger number of potential jurors than was necessary so as to exact payment from as many as possible to excuse them from being sworn. Thus the rich escaped and the burden was thrown upon those less able to bear it. Even ailing and decrepit men were called upon to serve. It is not surprising that juries so composed eagerly seized the chance of presenting bailiffs for this form of oppression whenever they came before the king's justices. Their repeated accusations led to an attempt to remedy the abuse in a statute of 1285. It was ordained that henceforth not more than twenty-four names should be put on a panel, and that no one who was over seventy years of age or a chronic invalid, or who had not a freehold estate worth twenty shillings a year in the county or forty shillings outside it, should be made to serve on a jury.[1]

The enactment did not put a stop to the evil, as may be judged from the number of presentments subsequently made against the Lancashire officers. At the assizes in August and before the special commission which sat in October of 1323, some thirty bailiffs of five out of the six hundreds were accused of receiving bribes or exacting money to let men off jury service, and practically all of them were convicted. A typical case was that of Richard de Bold, the farmer of the king's bailiwick of West Derby. It was proved that " when he had to array an inquisition, he caused thirty or forty men to be summoned, when he ought to have summoned but sixteen or eighteen ", and that " he made a fine (*frette*) with the rich to relieve them of the burden, some for one shilling, some for two shillings a year, and made the poor who could not give anything do the work ".[2] Twenty years later another bailiff of West Derby and

[1] *Stat. Realm*, I, 89 ; Cam, *Hundred and the Hundred Rolls*, 159–60. A statute of 1293 raised the property qualification to 40*s.* in the county and 100*s.* outside. (*Stat. Realm*, I, 113), but an ordinance of the following year directed that the earlier rule should apply in the case of common pleas before the justices in eyre and in assizes, and in the case of juries and recognitions in cities, boroughs and market towns (*Cal. Close R., 1288-96*, 381).

[2] Ass. R., 425, m. 14 ; Coram Rege R., 254, m. 72.

his subordinates were accused of summoning as many as fifty or sixty freemen on a single panel for the county court, " on account of which summons some so summoned made a fine with them at their will ".[1]

Annual fees for exemption were not uncommon. The men of Salfordshire complained that Robert de Hulme and Richard de Newham " made a certain yearly rental of all the free tenants " of the hundred, numbering " nine score and eleven ". From one they took five shillings, from another three, from a third two, " and so of all and singular the free tenants to spare them and put others on inquests ".[2] The allegation, if true, leads one to wonder how a jury could be got together. Perhaps Robert and Richard impanelled men who were not eligible. One bailiff of Salford [3] and another of Amounderness [4] were said to have listed freeholders whose estates were below the statutory value ; two others of Salford confessed that for " little juries " in the wapentake and county courts they sometimes impanelled leaseholders ; [5] yet another Salford bailiff was adjudged in mercy because " he put suspected men on the panel of a certain assize ".[6]

The juries had to be produced by some means or other, and the bailiffs who made the panels, the bedells or messengers who delivered the summonses,[7] had to attend the court to answer if the jurymen were not there. In a civil suit at Lancaster in 1278 the recognitors in an assize of novel disseisin did not appear. The summoner was fined for not coming, and so was the bailiff of Leyland who ought to have seen that the summoner and the jury were present.[8] But the ultimate responsibility lay upon the sheriff, and it is not unlikely that he connived at, if he did not encourage, irregular practices. A man might find himself enrolled without warning, or be made to serve without being previously impanelled, by either a serjeant or the sheriff. It was reported that Henry de Malton, the deputy sheriff from 1317 to 1320, " personally and through his bailiffs frequently put men on panels without summoning them or giving them notice, so that they could know nothing thereof until they had incurred forfeiture of their issues ".[9] A successor in the same office,

[1] Ass. R., 430, m. 28d.

[2] *Ibid.*, 425, mm. 7d., 16 ; Coram Rege R., 254, m. 72d.

[3] Ass. R., 430, m. 15d. [4] Ass. R., 425, m. 14 ; Coram Rege R., 254, m. 74.

[5] Ass. R., 425, m. 7. [6] *Ibid.*, 1321, m. 11.

[7] The summonses to the jurors were usually delivered by the serjeant's underlings or bedells, but three bailiffs of Blackburnshire were convicted in 1323 of forcing freeholders to " carry the panels " unless they would pay to be excused. Ass. R., 425, m. 14d. ; Coram Rege R., 254, m. 72d. In Cheshire the freeholders were bound by custom to serve the summonses when called upon by the bedells of the county serjeants of the peace to do so, but the extortionate demands of the bedells led to an inquiry at which the freeholders' obligation in this connection was defined. See Stewart Brown, *op. cit.*, 9.

[8] *Lancs. Ass. R.*, I, 156.

[9] Ass. R., 425, m. 14 ; Coram Rege R., 254, m. 74.

Robert Foucher,[1] was accused of putting jurors " on such inquisitions as are not warned, and the bailiff not knowing ".[2] Nicholas Tunstall, a royal serjeant of West Derby, " so changed the panel (in an assize of novel disseisin) that those returned had not been summoned nor made a view of the tenement " in dispute. The plaintiff in this case recovered damages against Nicholas, who was put in prison and removed from his bailiwick.[3]

The worst effect of the freedom enjoyed by the bailiffs in compiling jury lists was that it enabled them to pack juries. That they did not scruple to do so in cases where they themselves, their relatives or friends were interested, is evident from the many occasions on which the panels were challenged by litigants. In an action concerning tenements in the hundreds of Salford, West Derby and Blackburn it was alleged that one of the defendants, John de Radcliffe, was the bailiff of Blackburnshire, and that another, Robert de Radcliffe, held the serjeanties of West Derby and Salford. The panel was quashed and a new one ordered to " be arranged by others ".[4] If a challenge were substantiated, the court generally commanded the sheriff, or failing him, a coroner, to call a fresh jury, and the bailiff was told " not to meddle with it " ; but it did not always prove easy even then to secure an impartial body of recognitors. Katherine, the widow of John de Holcroft, sued Ralph de Holcroft for a third of the manor of Hurst as her dower. She took exception to the panel as having been arrayed by the bailiff of West Derby in favour of Ralph and it was cancelled. On her further representation that the sheriff and two of the coroners were akin to the defendant, William de Pemberton, the third coroner, was instructed to bring a new body of twelve. These Katherine also declared to be biased against her. As Pemberton had then ceased to be coroner, his successor was chosen to array a third jury.[5] It might happen, however, that no challenge was made, and the course of justice be perverted. Certain lands in Lancashire and a fishery in the Mersey had been granted to Shrewsbury abbey by the progenitors of Edward III to maintain a chantry at Wyldegreve in the township of Woolston. After an inquisition before the escheator in 1361, at which it was found that the chantry had been withdrawn for many years, the property was confiscated.[6] When three years later the abbot sought to traverse the finding of the inquest, Henry de Chadderton accepted a bribe of ten marks " to array a jury for the abbot in favourable wise against the king "—" by which maintenance ", it was declared, " the king lost the said lands ".[7]

In the military organization of the county the serjeants had no *ex*

[1] Deputy Sheriff, 1332–5.
[2] Coram Rege R., 297, Rex m. 19.
[3] Ass. R., 425, m. 3d.
[4] *Ibid.*, 1435, m. 40.
[5] *Lanc. Pal. Plea R.*, I, 100–1. Further examples of juries quashed on the ground of partiality are given on pp. 32–3, 53, 89–90.
[6] *Cal. Misc. Inquis.*, III, No. 456.
[7] Coram Rege R., 454, m. 13.

officio responsibility, although the obligation of every able-bodied man to bear arms was as much for the preservation of the public peace as for defence against a public enemy. By the Statute of Winchester two constables were to be elected in each hundred to hold the half-yearly " view of arms ", and it may be assumed that in time of danger or rebellion the same officers would call out the *posse* on the orders of the sheriff. But during his Welsh wars, Edward I instituted the system of " commissions of array ", by which one or more knights were given a mandate in certain counties to " array ", that is, to pick or press, a number of the able-bodied and lead them to appointed headquarters ; and, probably because of their local knowledge, the bailiffs were sometimes required to help the commissioners in making the choice. Thus when William le Boteler of Warrington was commissioned to raise a thousand " strong and able men " in Lancashire for a Welsh campaign in 1282, a writ of assistance was issued commanding the bailiffs and others of the county to aid and assist him.[1]

Edward II made frequent use of commissions, both to levy fixed quotas for expeditions against the Scots and to raise the whole force of the county to resist an invasion or oppose an insurrection. In the troublous year of 1322 arrays of one kind or the other were ordered in Lancashire at least five times. On 28th February Oliver de Ingham was appointed to " raise horse and foot " to meet a threatened local rising of the adherents of earl Thomas of Lancaster.[2] Less than a month later Robert de Leyburn, the sheriff, and Richard de Hoghton were commissioned to levy three thousand men for a Scottish expedition.[3] On 16th May a mandate was sent to Sir Edmund de Nevill, the bailiff of Lonsdale, and Thomas de Lathom to select one footman from every township, to take measures for arming the force and conduct it to Newcastle " to serve the king for forty days at the expense of the said townships ".[4] In the autumn, the Scots having invaded the realm, Andrew Harclay, earl of Carlisle, twice received a commission to array all able-bodied men between the ages of sixteen and sixty in Cumberland, Westmorland and Lancashire to be ready to march when summoned.[5] Such repeated impressments, often for service outside the counties, sometimes entailing financial levies to maintain the troops and provide them with arms beyond what were required by the Statute of Winchester, provoked widespread discontent and a vigorous protest in Parliament. A statute of 1327 conceded that no man should " be charged to arm himself otherwise than he was wont in the time of the king's progenitors ", or be compelled to go out of his shire except in the event of an invasion,[6] and a second in 1352 provided that none but those who held by the ser-

[1] *Parl. Writs*, I, app., 228 ; Beamont, *Annals of Warrington*, I, 93.
[2] *Parl. Writs*, Vol. II, Div. ii, 547.
[3] *Cal. Pat. R., 1321–4*, 97.
[4] *Ibid.*, 123.
[5] *Ibid.*, 208, 212.
[6] 1 Edw. III, st. 2, c. 5.

vice of finding armed men should be constrained to do so except by the consent of Parliament ; [1] but both enactments were disregarded.

The popular dislike of commissions of array was intensified by the methods adopted to put them into force. The mandates were generally accompanied by writs of assistance addressed to the sheriffs who, in Lancashire if not elsewhere, acted through the hundred serjeants. The assistance rendered by these officers was marked by the same kind of favouritism and corruption as was practised in the panelling of juries and the levying of purveyances. Sir Edmund de Nevill, in the execution of his commission of 16th May, " received money from divers men chosen to set out with the lord king to the parts of Scotland to permit them to stay in the country and to choose others in their place ".[2] His under-bailiff, Walter, son of Alan de Arkholme, likewise " took money continually from several able men to excuse them from going to the lord king's wars and take others who were unfit (*impotentes*) ". Walter defended himself by saying that he had only obeyed his master's orders, but it was proved that he had taken altogether five marks " as well for his own use as for the use of the aforesaid Edmund ".[3] At subsequent impressments two bailiffs of Salfordshire were declared to have received bribes, mostly in sums of ten shillings, to the amount of ten guineas,[4] and a third to have " respited " " all the men of Rochdale " so that their names should not be entered in the rolls of the arrayers.[5]

CHAPTER SEVEN

THE DECLINE OF THE BAILIFFS AS PEACE OFFICERS

Towards the end of the fourteenth century there were unmistakable signs that the serjeanties of the Lancashire hundreds were becoming less and less profitable to their holders. The farms were gradually reduced until they disappeared altogether. In the next century serjeants were often in arrear in discharging payments due to the sheriff and it became necessary to offer salaries for the performance of the duties. These changes are symptomatic of a decline in the importance of the serjeants as local government officers which needs detailed investigation, but it may not be out of place here to indicate a few considerations which have a bearing on the subject.

Part of the explanation of the loss of the bailiffs' perquisites is to be found in the restriction of their functions which resulted from the

[1] 25 Edw. III, st. 5, c. 8.
[2] Coram Rege R., 254, m. 56.
[3] *Ibid.*, m. 55d.
[4] *Ibid.*, 302, m. 6d. (1335).
[5] Ass. R., 430, m. 15d. (1343).

transference of jurisdiction from the local to the central courts and to justices appointed by the crown to deal with crime and litigation in the counties. That process had, of course, begun long before the fourteenth century. Since the time of Henry II many kinds of action had been taken out of the county, wapentake and private tribunals into the king's courts by procedure laid down in royal writs, and the issue of commissions to justices assigned to a county or group of counties specially to hold the assizes for the determination of civil suits, to hear and determine crimes and to deliver the gaols of prisoners, or generally to deal with all manner of pleas, had become a well-established practice. But under Edward I and his successors new devices were adopted to cope with the urgent problem of maintaining law and order—devices which still further diminished the business of the communal courts.

While it is impossible to say that the social condition of England was worse in the Edwardian period than it had been before, it is undeniable that acts of violence and lawlessness were then of daily occurrence. Even under a strong king like Edward I, people complained that bands of marauders roamed the land committing murder. arson and robbery, and so terrorized judges and juries that those who suffered from their outrages were unable to obtain protection or redress. Under Edward II the situation grew worse. The civil strife between the king's supporters and the Lancastrian party, the troubles on the Welsh border and the incursions of the Scots, all helped to throw the machinery of government out of gear and to leave individual crimes, acts of brigandage and private warfare unpunished. In Lancashire, the local adherents and opponents of earl Thomas, both before and after his death, carried on a continual feud, each party attacking the persons and property of the other. The perpetrators might be indicted or appealed, but they were seldom arrested before their offences were brought to the notice of the courts, by which time they had had ample opportunity to effect their escape. Over and over again, when ordered to bring them before the justices, the sheriff had to report that they could not be found. It was clear that the old organization for the maintenance of the peace, in which the hundred bailiffs played a responsible part, was proving inadequate and needed to be reinforced.

Attempts to meet the difficulty were made by the issue of new types of commission. One was specially designed to put down depredation and assaults by armed companies. Writs were sent to certain knights in a county authorizing them to find out by inquisition what persons had been guilty of homicide, arson, battery and the like, had hired assailants to beat others, intimidated juries and royal officials, or harboured such offenders; and often at the same time instructing them to inquire what bailiffs and other ministers of the king had, by favour or for bribes, neglected to arrest the felons and allowed them to go

at large.[1] Such commissions were sanctioned by the Ordinance of Trailbaston [2] drawn up by the Lenten Parliament of 1305 and came to be known as commissions of Trailbaston. The first was issued by Edward I in November 1304, ordering inquiries to be held in Lincolnshire, Nottinghamshire and Derbyshire.[3] Early in the following year writs were sent to other shires, including one to Lancashire addressed to Miles de Stapleton and John de Byron.[4] Further appointments of the kind were made in 1307 and at intervals down to the reign of Richard II.[5]

Meanwhile other commissions were issued to enforce the Statute of Winchester (1285). This enactment, besides providing for the proper arming and calling out of the militia, made every hundred answerable for compensation for all breaches of the peace committed within its limits and not brought to justice—a provision which was said to be necessary because of the unwillingness of jurors to convict their neighbours. In 1287 knights were specifically assigned to the various counties to ascertain whether the articles of the statute were kept [6] and three or four years later were referred to as *custodes pacis*, or keepers of the peace.[7] Sometimes the Statute of Winchester was included in the scope of the Trailbaston commissions,[8] but during the reign of Edward II separate " commissioners of the peace " were appointed so frequently as to become a regular part of the police organization of the counties, and in the first year of Edward III they received statutory recognition.[9]

There can be no doubt that these new officials were intended to supplement, though not to render unnecessary, the activities of the sheriffs and their assistants. In the earlier writs of Edward II, the knights assigned were associated with the sheriffs as keepers ; afterwards knights were nominated without the sheriffs, who received separate writs bidding them to render assistance ; but whether acting in conjunction with the sheriffs or not, the keepers were vested with powers of arrest.[10] Further, the terms of some at least of the commissions plainly hint at the failure of the bailiffs to discharge their duties. The writs of 17 March, 1308, after ordering that the Statute of Winchester

[1] Miss H. M. Cam, *Studies in the Hundred Rolls*, 74–5.

[2] " Trailbastons " were men with clubs or bludgeons.

[3] *Parl. Writs*, I, 407 ; *Cal. Fine R.*, I, 504. The commissioners were also " with the sheriff to arrest and commit evildoers to prison ".

[4] *Parl. Writs*, I, 407–8 ; *Cal. Fine R.*, I, 504. In April justices were appointed to hear and determine felonies and trespasses on which inquisitions had been made. *Cal. Fine R.*, I, 505.

[5] Foss, *Judges of England* (1848), III, 36.

[6] *Parl. Writs*, I, 388–9. The knights assigned to Lancashire were Robert de Haverington, John Byron and Robert de Holland.

[7] Miss H. M. Cam, *E.H.R.*, XL, 413–14.

[8] In 1307 and later years.

[9] 1 Edw. III, stat. 2, c. 16.

[10] This was not always so under Edward III, however.

should be proclaimed and firmly kept, commanded the keepers to arrest and take into custody all breakers of the peace, and, if necessary, to pursue them with the *posse comitatus* from hundred to hundred and from shire to shire ; and, in addition, instructed them to enjoin all bailiffs and constables to use their best endeavours for the conservation of the peace ; if these officers proved disobedient, they were to be attached and kept in prison until the king should otherwise command.[1] The language of the commissions of 5 June 1314 was more explicit. The king complained of the many " conventicles and other unlawful assemblies " recently held by knights and others who committed assaults and murders and hunted in the parks of the king and his subjects— " which outrages have not been duly repressed by the sheriffs and other officers ". Hence the " conservators of the peace and of the Statute of Winchester " now appointed were ordered to inquire by the oath of good and lawful men concerning such disturbances and transgressions, and to cause all persons against whom indictments should be found, or who were " notoriously suspected ", to be pursued and taken into custody, with the aid of the *posse* if necessary.[2]

Usually two or three knights were commissioned as keepers or conservators for each shire ; but in Lancashire in periods of exceptional disorder the number was greatly increased, panels of keepers being nominated for every hundred. In the autumn of 1323, owing to the persistent lawlessness which followed the execution of earl Thomas, there were appointed four *capitales custodes pacis* for the whole county, and four to six *subcustodes pacis* in each wapentake. Altogether thirty-one new peace officers were added to strengthen the police system of the shire. The sub-keepers were to be " intendant " to the chief keepers, but they, no less than their superiors, were empowered to pursue, from vill to vill, malefactors, felons, and all other transgressors against the peace, to arrest them and hand them over to the sheriff.[3] In 1345, after a series of outrages by armed gangs culminating in a riot at Liverpool where a large company of confederates led by Adam de Croft interrupted the session of the king's court and slew more than a score of their enemies in the presence of the justices,[4] as many as forty-one keepers and sub-keepers were assigned to Lancashire.[5] Similar large commissions for the county were again issued in 1350 [6] and 1384.[7]

[1] *Parl. Writs*, II, ii, app. 11.

[2] *Cal. Pat. R., 1313–17*, 122–4 ; *Parl. Writs*, II, ii, app. 74–5. On the same date writs of aid and of *venire facias* for the conservators were sent to the sheriffs.

[3] *Cal. Pat. R., 1321–4*, 382 ; *Parl. Writs*, II, ii, app. 237–8.

[4] *V.C.H. Lancs.*, II, 203–4 ; *L. & C. Hist. Soc.*, Vol. 85, 71 *seqq.*

[5] Twelve in West Derby Hundred, where the riot had occurred, seven each in Salford, Leyland and Amounderness, and four each in Lonsdale and Blackburn. *Cal. Pat. R., 1343–5*, 509–10.

[6] *Ibid., 1348–50*, 533.

[7] *40 D.K. Report*, app. No. 4.

To some extent the powers of the commissions of the peace and of those of Trailbaston in the reign of Edward II overlapped. As already stated, some of the Trailbaston commissions included the Statute of Winchester in their jurisdiction. The *custodes pacis* of 1314, and some of later years, were authorized to conduct the same kind of judicial inquiry as had previously been entrusted to Trailbaston commissioners.[1] It would seem that the two types of commission were in process of coalescence, although separate writs of Trailbaston continued to be issued, while more normal commissions of the peace without the power of inquisition (and some also without authority to arrest suspects) were to be granted after 1314.[2] However that may be, there was a further and more important development in the succeeding reign. Hitherto neither the commissioners of the peace nor those of Trailbaston had been accorded the right to determine accusations of crime. Both indicted persons and suspects had to be kept in custody until lawful delivery by justices of assize, of gaol delivery or of oyer and terminer. By the Statute of Northampton, 1328, commissioners of Trailbaston were converted into justices by being given power to hear and determine felonies and trespasses, in addition to wide powers of inquiry.[3] Before long similar jurisdiction was vested in the keepers. After two or three temporary commissions had been issued with the right to determine,[4] the keepers were frequently "afforced" by the addition of men "learned in the law" and thereby empowered to deliver the gaols of prisoners previously indicted before them.[5] Then from 1350 onwards the commissions more or less regularly included full judicial authority with power both to inquire and to determine; and in 1361 this transformation

[1] On the power of the custodes to hold inquisitions see the important note by Miss Cam, "Some Early Inquests before Custodes Pacis", in *E.H.R.*, XL, 411 *seqq.*

[2] The different forms of writ which played their parts in the evolution of the commissions of the later justices of the peace are discussed at length by Miss B. H. Putnam in "The Transformation of the Keepers of the Peace into the Justices of the Peace" (*Trans. R. Hist. Soc.*, 4th S., XII, 19–48), to which the present writer acknowledges his indebtedness for many facts in this chapter. The relationship between the different types of commission is difficult to determine as their phraseology was not fixed, and the problem is further complicated by the fact that the same individual or individuals are named in different commissions issued simultaneously or nearly so. Thus on 27 August 1325 John de Haverington and Thomas de Lathom were nominated in a Lancashire commission of the peace pursuant to the Statute of Winchester, and on the following day John de Haverington was assigned with Richard de Hoghton in the same county "to pursue and arrest disturbers of the peace who join together and make raids by day and night", etc.; yet a mandate of 28 February 1326, addressed to the latter pair describes them as "lately appointed commissioners of peace in the county of Lancaster". *Cal. Pat. R., 1324–7*, 228, 231, 285; *Parl. Writs*, II, ii, app. 275, 282.

[3] 2 Edw. III, c. 7. They were to be associated "with some of the Justices of the one Bench, or of the other, with other learned men in the law".

[4] Putnam, *op. cit.*, 27–8.

[5] *Ibid.*, 39–42.

of the keepers from executive police officers to judges was sanctioned by the legislature.[1] By later enactments [2] the county justices were required to meet at least four times a year to try indicted felons. Thus came into existence the courts of Quarter Sessions, which gradually acquired all the criminal jurisdiction which remained to the wapentake and county courts and the tourn, and also a limited authority in civil suits. In Tudor and Stuart times the justices of the peace were endowed by statute with extensive supervisory powers over the work of civil administration then being entrusted to parochial and township officers.

One consequence of the transference of authority to the justices was that the hundred lost much of its importance as a division of local government. As a jurisdictional unit it practically disappeared, though the liability of the hundred for damages in the event of a riot remained till 1886.[3] For certain non-judicial purposes, like the assessment and collection of taxes and county rates, the hundredal organization survived into the nineteenth century, but with the imposition upon the parishes and townships of civil functions, exercised under the control of the justices, it was these lesser areas rather than the hundreds which were regarded as the units of local government within the shire. Another consequence was that not only was the sheriff stripped of the last vestiges of his criminal jurisdiction, but his status as an executive officer was considerably lowered, and with the decline of his power the position of the bailiffs, whether operating from his central office throughout the county or limited in their sphere of action to the hundreds and the liberties, was necessarily affected. Much of their work, particularly as executive agents of the law, passed into the hands of the constables of the hundreds and the townships.

It is not known when constables were first appointed in Lancashire. The earliest references to officers under that title which have been noted by the present writer belong to the opening years of the sixteenth century, but it is obvious that constables were then well established and must have been in existence for some considerable time. As early as the thirteenth century national regulation required that constables should be elected in every hundred and township in order to ensure that all free men possessed arms according to their rank for the defence of the realm and the preservation of the peace. The petty constables of the townships were responsible for calling up the able-bodied to be mustered under the high constables of the hundreds for the view of arms held by the sheriff. It was their duty to see that the watch was kept, and that the hue and cry was raised when necessary for the pursuit of criminals. Felons so pursued and caught were handed over to them

[1] Putnam, *op. cit.*, 43–6.

[2] 36 Edw. III, c. 12 (1362); 12 Ric. II, c. 10 (1388).

[3] The Riot (Damages) Act of that year threw the liability on the police rate.

for custody. It is highly probable that the constables could also on their own initiative arrest anyone whom they knew or suspected to have committed a felony, and take action to prevent breaches of the peace.[1] They were *ex officio*, and in a very real sense, *custodes pacis* before the keepers who held their commissions from the king. As such their powers of arrest were increased by legislation under Edward III. The Statute of Northampton gave "Burghaldres", constables and wardens of the peace within their wards, power to suppress armed disturbances equally with the sheriffs, the lords of franchises and their bailiffs, and the mayors and bailiffs of cities and boroughs within the bounds of their jurisdiction.[2] By 5 Edw. III, c. 14 the constables of towns were required to arrest "incontinently" any newcomer of whom they had "evil suspicion" and deliver him to the sheriff to be kept in prison until the coming of the royal justices; and by the Labour Ordinance of 1349 they were empowered to arrest and imprison any man or woman, able to work and without other means of livelihood, who refused to serve an employer when required to do so.[3] These statutory powers probably lapsed in time, but the common law powers of the constables were never abrogated or lost. Moreover, the status of the constables was greatly enhanced by the acquisition of a wide variety of administrative functions from the time of Edward III onwards. They shared with the sheriffs, the bailiffs of the king and the mayors of the boroughs the duty of carrying out the labour laws of the fourteenth century and the statute of Henry IV against the playing of games in lieu of archery practice;[4] and the part they were called upon to play in enforcing Tudor legislation for the maintenance of highways and bridges, the repression of vagrancy, the relief of the poor, the assessment of rates, and other matters made them the most important executive officers of the parishes and townships.

But the constables were always subordinate to a higher official. When the police organization of the county was under the sole control of the sheriff, they were responsible to him. The establishment of the keepers, and later of the justices, of the peace tended to loosen the subordination of the constables to the sheriff. The sheriff himself, his bailiffs, and the constables, all came under the supervision of the new local commissioners. As we have seen above,[5] if they failed in their duty of conserving the peace, they could be imprisoned by the keepers until the king should deal with them. The justices assembled in their

[1] *E.H.R.*, X, 625. A statute of 1330 (4 Edw. III, c. 10) speaks of "thieves taken and attached by the constables and the townships" as if such arrests were a recognized practice. *Ibid.*, 633. Sixteenth-century legal writers describe the constables as conservators of the peace by common law, deriving their authority, not from the king or from Parliamentary enactment, but from ancient usage.

[2] 2 Edw. III, c. 3.

[3] 23 Edw. III, c. 1.

[4] 11 Hen. IV, c. 4; *E.H.R.*, X, 637.

[5] P. 82.

quarter sessions were authorized by a law of Richard II to inquire how mayors, bailiffs, stewards and constables executed the ordinances and statutes relating to labourers and vagrants, and to punish them if they had been remiss.[1] Commissions issued subsequently gave them general authority to fine all such officials who were negligent in the execution of their offices and the statutes.[2] Meanwhile, the discontinuance of the wapentake courts and the loss of criminal jurisdiction by the sheriffs diminished the work of the bailiffs and increased that of the constables, while the authority given to the justices over the civil administration of the parishes and townships strengthened their control over the constables. Consequently it was to the constables rather than to the bailiffs that the justices looked for the performance of police functions. Both bailiffs and constables might arrest persons who committed or whom they suspected of committing crimes, but it was the constables more often than the bailiffs who now brought charges against them before the magistrates. It was the constables who, more commonly than the bailiffs, appeared at petty or quarter sessions to report offences and derelictions of duty in their districts, and it was the constables who were ordered to arrest the indicted and to execute the judgments of the justices' courts.

[1] 12 Ric. II, c. 10.
[2] Prothero, *Select Statutes* (2nd Edn.), 145–6.

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Abbreviations: d. = daughter of; fam. = family; gs. = grandson of; s. = son of w. = wife of.

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The Ribble Salmon Fisheries

MATERIALS FOR A HISTORY

BY

A. T. R. HOUGHTON, M.C., M.A.

MANCHESTER:
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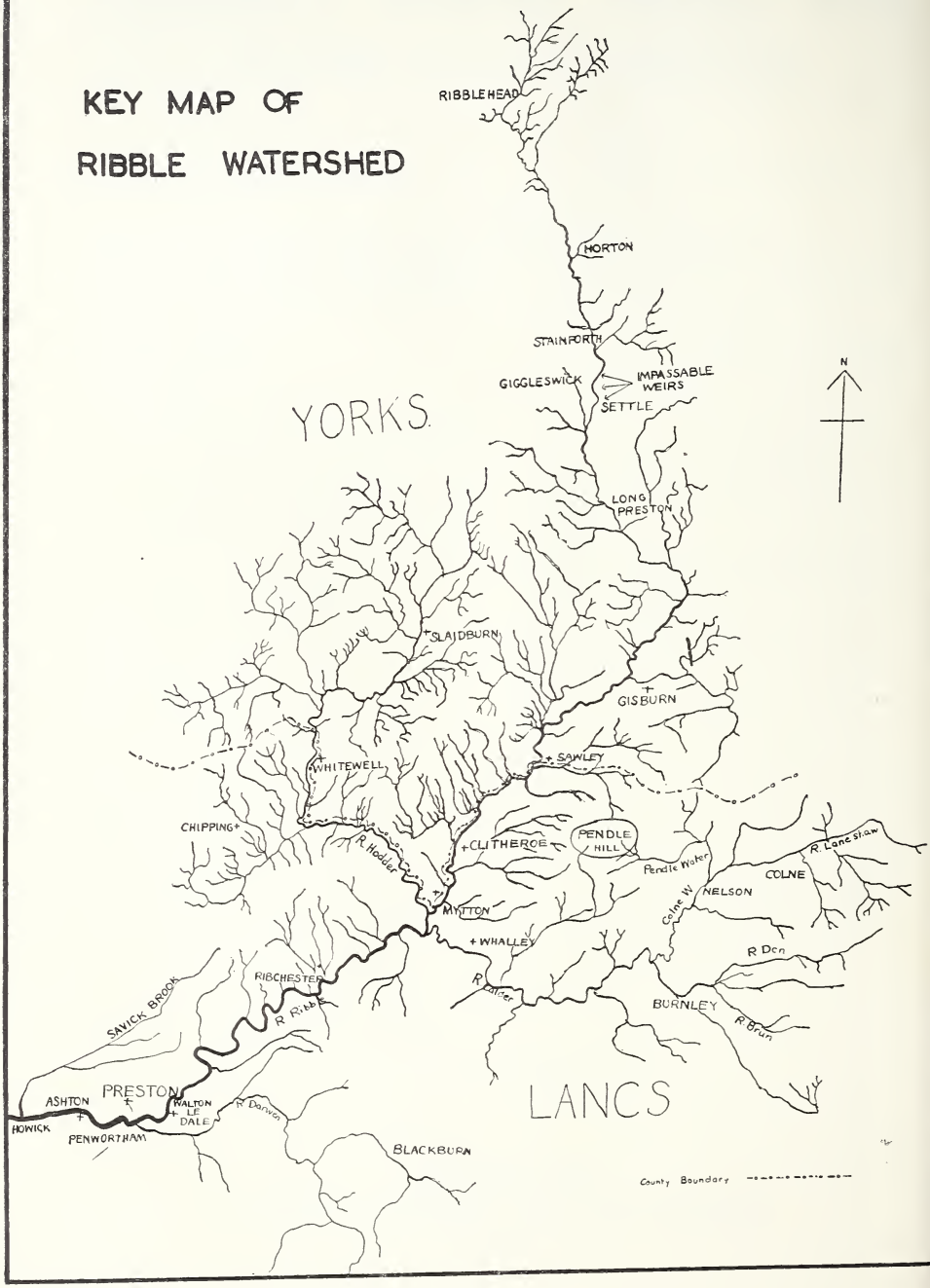
1945


KEY MAP OF
RIBBLE WATERSHED
RIBBLEHEAD
HORTON
STAINFORTH
GIGGLESWICK
IMPASSABLE WEIRS
SETTLE
N
YORKS.
LONG PRESTON
SLAIDBURN
GISBURN
WHITEWELL
SAWLEY
CHIPPING
R. Hodder
CLITHEROE
PENDLE HILL
Pendle Water
R. Lone stream
COLNE
Colne W.
NELSON
MITTON
WHALLEY
R. Don
RIBCHESTER
R. Ribble
R. Calder
BURNLEY
R. Brun
SAVICK BROOK
PRESTON
ASHTON
WALTON LE DALE
R. Darwen
HOWICK
PENWORTHAM
BLACKBURN
LANCS
County Boundary

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To

THE CONSERVATORS OF THE RIVER RIBBLE

in the hope that it may help and encourage them to carry on their good work as Trustees of a National Asset—the Ribble Salmon Fisheries—with singleness of purpose and unabated vigour, this slight historical essay is dedicated by

THE AUTHOR

1945.

INTRODUCTORY

It seems very desirable that at the present moment some attempt should be made to collect and collate material for the history of the Ribble Salmon fisheries ; partly because the writer has been able, during his fourteen years' clerkship to the Ribble Board of Conservators, to get together a substantial body of facts to add to the collection which was begun by his predecessors, but chiefly because the Lancashire County Record Office, since it was reorganized and approved as a place for the deposit of documents, has already attracted a number of important collections, among which have been found various unpublished documents relating to the Ribble Fisheries.

An attempt has therefore been made to construct a Calendar of such documents ; it should not, however, be thought that what is printed here forms an exhaustive list of our known sources of information ; much more will have to be learnt before a complete history of the fisheries can be written, and boundaries also enter into the question. A considerable part of the Ribble lies in Yorkshire : from Grindleton upwards, both banks of the Ribble, in other words the whole of that river, lie within the deanery of Craven in the county of York. On this side material is not so plentiful, and it is to be hoped that the present article may be the means of bringing more to light.

The full history of the Fishery can, however, scarcely be written from documents alone, because apart from occasional mention in plea rolls, conveyances and leases, fisheries are not matters with which documents are greatly concerned : and a mere catalogue of changes of ownership, even if it were possible to compile it, would scarcely seem, to the writer at any rate, to be of sufficient general interest to make it worth while. Information is extremely restricted, we should like to know very much more about the methods of fishing, the type of fish caught and the dates at which the main runs of salmon took place. It is the more interesting, therefore, that the document printed as Appendix I in our present collection should have survived. It has come to light among the Farington papers, and has very kindly been transcribed and placed at my disposal by Mr. R. Sharpe France, the County Archivist, to whom my best thanks are due, not only for its discovery and recognition, but for its transcription and notation, as also for his help in correcting the proofs of this article.

I must also acknowledge my great indebtedness to Professor E. F. Jacob who, himself a successful angler for salmon in Ribble and elsewhere, has not only taken a keen personal interest in the project since its inception, but has by his encouragement sustained my efforts, revising

the text and adding new matter. It will be obvious to the reader that the section on the Monastic period, in particular, bears the stamp of authority.

Fisheries have from the earliest days been the subject of much litigation. The second document here selected for full transcription (Appendix II) shows certain landowners trying to clarify the legal position in the early stages of the dispute of which details are given later,[1] and emphasizes the conflicting interests of different owners, while the Statutes cited show how successive generations tried to regulate and control the system of netting both as to season and as to size and mesh of nets employed.

The value of a fishery was (and still is from the national standpoint) chiefly commercial—a matter of food supply—it is only in recent times that the sporting aspect has received much emphasis.

By the courtesy of the late Mr. Albert Wade, I am able to include a reduced facsimile of Richard Porter's map of the netting stations on the lower Ribble in 1756: the original is now apparently lost, but he had the foresight to make a careful tracing of it some years ago when he was an Inspector of the Lancashire & Western Sea Fisheries Committee, and this he kindly placed at my disposal.

This map should be read in conjunction with the Diagram and description (Appendix III) of the deadly system of stake nets which was then in use,[2] here reproduced by courtesy of the Corporation of Preston, with whom are deposited the Winckley Deeds and papers among which I found it.

When one considers the devices which salmon and sea-trout have to avoid or surmount in order to reach their spawning grounds—for that is the reason why they enter the river at all—one is inclined to marvel that the harvest of the Ribble should have been as good as it must have been from the sixteenth to the eighteenth centuries. The impression derived from the documents is that in the latter part of this period such devices were already increasing, with results to be set forth in the ensuing pages, while in the nineteenth century the process of extinction of the fisheries by these and other agencies was almost completed, as shown by the figures in Appendix IV.

I am convinced, however, that the turning point was reached some years ago, and that the remarkable improvement already manifest can, and will be continued.

A. T. R. H.

1944.

[1] Pp. 14 et seq.

[2] Pp. 14 et seq.

THE RIBBLE SALMON FISHERIES

" The Rybell, a river verie rich of Salmon and Lamperie "—(DRAYTON, 1622)

THE first mention of the Ribble by name, after the Roman Belisama was forgotten, is in the early eighth century, probably before 720. In his life of Wilfrid, Eddius Stephanus enumerates the " many lands " given by pious kings " to our bishop for the service of God ", stating that they were

> Round Ribble and Yeadon and the region of Dent and Catlow and other places.[1]

The first mention of Ribble fisheries, however, is in Domesday Book which states that King Edward held Peneuerdant (Penwortham) and that at the time of the survey there was a castle there, and half a fishery, as in King Edward's day. This is under Leyland Hundred, but under West Derby we are told that the thegns had, among their duties, that of constructing and repairing the fisheries (*piscariae*), which means work on the fish-garths described below in a later section. Though this applied to the Mersey, the same conditions would hold in other hundreds between Ribble and Mersey.[2]

§ 1. THE RIBBLE FISHERIES IN THE MONASTIC AGES

A special characteristic of the Ribble Valley in the Middle Ages was the number of religious houses established there : the Cistercian abbeys of Sallay and Whalley, Stydd Hospital (St. John of Jerusalem), Penwortham Priory, the Franciscan convent at Preston, St. Mary Magdalen Hospital and Lytham Priory, while on the Douglas, which could hardly, in those times, be counted as a tributary of the Ribble, but shared its estuary, was Burscough Priory. Some of these houses had important fishing rights ; others more distant (like Cockersand or Evesham) acquired fisheries in Ribble or rents in the form of salmon. The location of such fisheries is a matter of some interest, though often of considerable difficulty to determine.

A comparison of the present 1-inch Ordnance Survey maps with the maps of Lancashire for the eighteenth and early nineteenth centuries [3] shows that the main channel of the Ribble has been drastically

[1] Ed. B. Colgrave, pp. 36–7. The editor accepts Professor Chadwick's interpretation of the place-names.

[2] Professor Tait's opinion, in *Vict. County Hist., Lancs*, i, 275.

[3] Mr. Harold Whitaker has very kindly lent, for this purpose, Yates's map of 1786, Greenwood's map of 1818, and the 1-inch Ordnance Survey of 1846–51, published 1857.

straightened,[1] with a corresponding effect upon the fisheries in the tideway. After leaving Penwortham the main channel took a semicircular bend at Howick, then passed over to the north bank to Clifton, and turning sharply southwards, divided into two channels, one of which ran along the southern bank of the estuary past Hutton to the mouth of the Douglas; the other ran along Clifton Marsh as far as the Freckleton shore, and turning at Naze Point flowed north-west past Warton and Lytham. The two channels joined at a point between Hesketh and Warton.

The furthest fisheries towards the sea were at Lytham (in the hands of Lytham Priory) and off the fore-shore at North Meols (now swallowed up by Southport), probably near the place called Crossens. The North Meols fishery belonged to the de Lacy earls of Lincoln, but half the tithe of fish paid to North Meols Church went to Lytham Priory. The next owner of importance was the Abbey of Cockersand. Between 1212 and 1216 Cockersand secured the fishing rights of Richard le Boteler in Warton on the northern shore.[2] Shortly before that, Elias, son of Roger de Hutton, granted the Priory three nets "to be freely placed in the Ribble" (1190–1210).[3] His son Robert granted to the Priory the whole fishery in the Ribble belonging to the said vill of Hutton.[4] In another quitclaim, Adam, son of Geoffrey of Longton, grants to the Canons a certain site for a trammel net in the Ribble, to wit, "the best that can be found within the bounds of Hutton".[5] A later grant by Richard, son of Robert the Scrivener, mentions "the liberty which he had and held of them in the waters of Ribble, to wit, the first place of all nets, and also four stake nets in Ribble between Howick and Clifton".[6] This was the cream of the fisheries in the tidal portion of the Ribble; the grant apparently meant that Cockersand could net the tideway from bank to bank. The Cockersand charters show the Priory in the thirteenth century steadily building up its fishing rights along the populous and closely subdivided south shore of the estuary.

Cockersand had one more fishery on the north bank. This was Sidgreaves in Ashton, opposite Howick, just before the estuary broadended out into the great "pool" (as it was then known).[7]

On the south bank the next house to reckon with was the Abbey of Evesham. Penwortham Priory was a dependent cell of the great Worcestershire abbey. In the twelfth century, Robert Bussell granted

[1] See maps and charts of Ribble Estuary in *History of the Ribble Navigation*, James Barron, Guardian Press, Preston, 1938.

[2] *Cockersand Chartulary* (Chetham Soc.), vol. 1, Pt. 2, p. 192.

[3] *Cockersand Chartulary* (Chetham Soc.), vol. 2, Pt. 2, p. 409.

[4] *Ibid.*, p. 411. Cockersand became lord of the manor of Hutton; cf. *Ibid.*, p. 407.

[5] *Ibid.*, p. 415.

[6] *Cockersand Chartulary* (Chetham Soc.), vol. 2, Pt. 2, p. 445.

[7] *Ibid.*, vol. 1, Pt. 2, p. 213.

the Abbey £12 annually from his fishing in the Ribble at Penwortham.[1] The accounts of the Abbey showed this money allotted to the infirmary and the kitchen.[2] Among the early charters of Evesham is one in which an individual with the Danish name of Liuf became the man (*proprius*) of the Abbey and received his holding on condition of payment each year at the Nativity of the B.V.M. of " 100 good salmons for that land ".[3] These salmons must have been pickled or salted, not fresh (*recentes*). Liuf, with other apparently Danish thegns mentioned, appears to have held in Howick. After the Norman conquest, the main fishery of Penwortham was in the hands of Roger of Poitou, from whom it passed into the possession of the earls of Chester and finally to the earls of Lincoln, who let it out to farm.[4] When Henry de Lacy died in 1311, his fishery of Penwortham was worth £6 13*s.* 4*d.* yearly.[5] On 18 May, 1322, the Penwortham fishery was let with 26 acres of lands to Robert of Shirburn at 16 marks yearly.[6]

This is the fishery which, at a later and more productive stage, forms the subject of our Appendix II. By that time its importance can be judged by the sales of fish accounted for by the head bailiff.

Next in order came the fishery of the town of Preston. Preston was the most prosperous town in mediæval Lancashire. That some of its importance may have been due to the valuable fisheries in its immediate neighbourhood is suggested by the name " Fishergate ", by the old fish stones which used to stand in the market-place, and by the name of the adjoining township of Fishwick. Though we know nothing of the numbers of fish which were taken in the thirteenth century, we may assume that a considerable quantity would be needed to feed the various religious communities in the neighbourhood and the town of Preston as well. The Preston fishery was the subject of a celebrated *quo warranto* suit at the end of the thirteenth century, between Edward I and the Burgesses of Preston, who were called upon to establish their right to a market, fair and other privileges. They successfully proved their right of a joint fishery in the Ribble with Henry de Lacy, Earl of Lincoln.[7]

Above Preston, the position is more difficult to define. The chief religious houses were Sallay (Sawley) Abbey, Whalley Abbey, and Stydd Hospital. Stydd does not seem to have had a stretch of its own ; though it may have shared in the Ribchester fishery, which appears spasmodically in extant documents : thus in 1324 (29 Sept.) the farm of the fishery at

[1] Penwortham was Ancient Demesne, " There is half a fishery ", according to Domesday Book (Hundred of Leyland).

[2] *The Priory of Penwortham* (Chetham Soc.), p. 9 : the kitchen had four marks, and *una summa salmonis.*

[3] *Ibid.*, pp. 8–9.

[4] *De Lacy Compoti*, Chetham Society, *A.D.* 1296–1305, p. 9.

[5] *Lancashire Inquests, Extents, and Feudal Aids, Part 2* (Lancs. and Ches. Record Soc.), p. 115.

[6] *Ibid.*, p. 144.

[7] *Placita de Quo Warranto* (Rec. Comm.), p. 387a.

Sondewell and Salewell (Sale Wheel, near Salesbury) was returned as of no value[1] (the Scots had burned as far as Chorley in 1324 and their devastation may have destroyed some form of fishing weir at this place, which is about a mile above Ribchester Bridge); in 1326 Gilbert of Singleton is stated to have had a fourth part of a fishery in the water of Ribble worth 6*s.* 8*d.* yearly.[2] This was probably below Ribchester Bridge near Stydd, where there is still a Singleton House. At the same date "the farm of the Fishery at Chatteburn" (above Clitheroe) is put down at worth 3*s.*[3] Sallay, founded about 1147 by William, Lord Percy, held extensive rights in the Upper Ribble, but its most important fishery must have been Sunderland Holme, near Balderstone.[4] At a later date we find a certain Agnes, daughter of Adam de Sunderland, granting other property at Sunderland to the monks of Sallay in exchange for their land at Preston, viz. a toft house, "in vico piscatorum", probably in Fishergate.[5] When the monks of Stanlaw moved to Whalley in 1296, Sallay was considerably disturbed at the threat to their privileges. Among other things they complained that fish in the Ribble "more rarely come up to Sallay because of them (the Whalley Monks) and are dearer when they do come by the third penny".[6] Some justification for this can be found in a compotus of Sallay Abbey in 1381, which mentions expenditure "in piscibus recentibus, ix *l*, vii *s*, vii *d.*", where the editor (Whitaker) notes: "had salmon at that time come up the Ribble to Sallay, this article of expense could scarcely have been so heavy".[7] Yet Whalley, so bitterly complained of, at times spent much more than this on fresh fish.[8] Probably sea fish were referred to.

These purchases do not prove much; more significant are the geographical facts. Sallay's complaint seems to suggest that the Whalley monks were taking salmon and sea-trout below Balderstone. This was

[1] *Lancashire Inquests, Extents, and Feudal Aids, Part 2* (Lancs. and Ches. Record Soc.), p. 115.

[2] *Lancashire Inquests, Extents, and Feudal Aids., Part 3* (Lancs. and Ches. Record Soc.), p. 18.

[3] *Lancashire Inquests, Extents, and Feudal Aids, Part 2* (Lancs. and Ches. Record Soc.), p. 202.

[4] *Sallay Cartulary* (Yorks. Arch. Soc., Record. Ser. LXXXVII, xc), i, 137. In the charter of Ailsi de Sunderland (1277) the abbey was given *licentia piscandi* over the length of his land now granted to Sallay, and the monks were permitted to construct mills there, "wherever they liked in the water of Ribble": *ibid.*, i. 150. For the composition arrived at with Whalley, the owner of the advowson of Blackburn Church, over the tithe of Sunderland, cf. *Coucher Book of Whalley* (Chetham Soc., 1st Ser.), i. 99, and J. E. W. Wallis, *History of the Church in Blackburnshire*, pp. 56–7.

[5] Sallay Cart., i, 144, where the editor translates *vicus piscatorum* as 'the fisherman's village' (i.e. Fishwick). But *Vicus* commonly means a street or alley.

[6] *History of Whalley*, ed. Nichols and Lyons, i, 85.

[7] Whitaker, *History of Craven*, ed. Morant, p. 68, and n.

[8] In 1478 Whalley spent £23 17*s.* 3*d.* on "fresh" fish; and in 1521 as much as £39 17*s.*, as well as £1 16*s.* on salted salmon. *History of Whalley*, ed. cit.

probably the case, for at Walton-le-Dale Whalley possessed the manor of Law, *iuxta aquam de Ribble*,[1] and a little farther upstream, the abbey held lands at Cuerdale, six acres of which lay along the Ribble besides " le ffishyerdkerr " (fishgarth) : [2] a riverside path connected Cuerdale with the manor. Whalley's main stew was at Acton in Cheshire, but here, naturally, only coarse fish would be taken. Farther up the Ribble, the convent had lands in Ribchester, including the mill (not on the Ribble itself) [3] ; at Siddles, the farm between Mitton and Clitheroe, where there is still a fine pool ; [4] and, better still, land along the bank at Edisford (by Edisford Bridge) Clitheroe.[5] There were doubtless opportunities also for taking fish at Downham, near Chatburn, where Whalley held property.[6] No wonder that Sallay looked at Whalley's fishing with a jaundiced eye !

But Sallay itself was not unprovided for in Upper Ribble. The house which its founder established in the sloping fields of Swanside had its own mill and mill-dam at the present Sawley on land granted by Henry de Lacy (1143–54).[7] The supply of water flowing into the pool must have been improved in 1307 by what was termed an *attachiamentum stagni*, or auxiliary reservoir, formed by damming the stream farther up and spreading the waters over the meadow called " Roucandeholme " [8] —probably the much-inundated land below the present Sawley Lodge, since the banks above Skirden Beck are not suitable for such an operation. Sallay had the lands on the left bank opposite the abbey, " between the two fords, to wit, those surrounded by the dyke (palus) which falls into the Ribble." [9] Whether the *palus* is the carrier that till recently cut through the westward loop of the river below Sawley village, it is hard to say ; but the Northern ford is most likely to have been above the present bridge carrying the Clitheroe road to Bolton-by-Bowland (N.) or Grindleton (S.), and the southern ford may have been somewhere above the present " Garage Pool ". On the right bank Sallay had meadows in Acreland, probably now represented by the long green sward to the south-east of Bank Hall, beyond which her beasts could roam at will over the hills in the direction of Slaidburn.

At the Reformation the fisheries at Walton, Fishwick and Preston passed into the hands of Thomas Langton, baron of Newton, who on 3 November, 1559, conveyed them to Thomas Stanley for life, with

[1] *Coucher Book of Whalley* (Chetham Soc.), iv, 1139. It also had Law (Low) Chapel : *ibid.*, i, 113, 120. Between Walton-le-Dale and Fishwick lie " Walton Deeps ", the first large pool on the river above the tideway and a noted resting place for salmon.

[2] *Ibid.*, p. 1141 : " Item memorandum quod de tenementis Willelmi de Bughier, unum mesuagium et sex acre terre iacent simul (together) super ripam aque de Ribble juxta le ffishyerdkerr."

[3] *Ibid.*, iii, 869–75. [4] *Ibid.*, iv, 1107, 1127. [5] *Ibid.*, iv, 1124.

[6] *Ibid.*, i, 318–21. [7] *Sallay Cart.*, i, 127. [8] *Ibid.*, i, 102. [9] *Ibid.*, i, 125.

remainders to Leonard Langton, his son, and his daughter Joan, wife of John Fleetwood.[1] This is the beginning of the Fleetwood ownership; as will be seen, Fleetwood, Farington and Houghton are the principal names in the history of the fisheries in Lower Ribble during the sixteenth century.[2]

§ 2. Runs of Salmon: Close Times

In the days before industrial pollution most rivers of any size in England and Wales had runs of salmon and sea-trout. Streams which migratory fish can no longer enter abounded in this seasonal harvest, and in the public records and private charters of the Middle Ages and Tudor times there is testimony to the value and importance of such fisheries. The basic evidence for close times in England lies in the fishery clause of the second Statute of Westminster (13 Edward I, 1285) and in a clause of the Statute of Richard II (1390), by which the Government sought to enforce close seasons on the rivers and preserve them from illicit netting. The first of these should be quoted in full, for it enumerates the principal salmon rivers of the north and north-east:

> It is provided that the waters of Humber, Ouse, Trent, Done (the Yorkshire Don), Arre (Aire), Derwent (probably the Yorkshire Derwent), Warfe, Nide (Nidd), Yore, Swale, Tees, Tyne, and all the other waters wherein salmons be taken, shall be in defence for taking salmons from the Nativity of Our Lady unto St. Martin's Day (8 Sept.–11 Nov.) and that likewise young salmons (smolt) shall not be taken nor destroyed by nets nor by other engines at mill-pools from the midst of April until the Nativity of John Baptist (24 June), and in places where such fisheries be there shall be assigned servitors of this Statute, who, being sworn, shall often-times see and enquire of the trespassers. For the first trespass they shall be punished by burning of their nets and engines, and the second offence by imprisonment for three months, for the third offence by imprisonment for the whole year.

The Government was acting on the principle of preserving the fish when they were getting ripe and when spawning. The Lancashire rivers are dealt with in the Statute of 1390. After confirming the clause of Westminster II, cited above, Richard's Government forbade nets called *stalkers*, and laid down close times for the waters of Lon (Lune), Wyre, Mersey, Ribble, and all other waters in the county of Lancaster. It was to be from Michaelmas Day (29 September) to the Purification of Our Lady (2 February): the modern regulations, it may be noted, define the close time for salmon nets as 31 August to 1 February, for the Ribble. Michaelmas Day, therefore, represents a month later than the present practice; and certainly by the beginning of October, in the words of the statute, "salmons be not seasonable in the said waters".[3]

In the sixteenth century the Purification date on the Ribble was

[1] *Patent Rolls*, 1 *Eliz.*, pt. vi, 77, "free fisheries in Darwen and Rybbell".
[2] Cf. *Infra*, p. 13.
[3] And see later p. 13 as to variations in the close times in the eighteenth century.

evidently not observed. The document printed below (Appendix I) from the Farington papers is of particular interest in this connection. It is an account of John Harison for the salmon which he took from the fisheries belonging to William Farington and John Fleetwood. One was the Ashton fishery on the north bank of the Ribble, the other, as the calendar of documents (Appendix IV) under 1575 makes clear, the Preston Corporation fishery at Penwortham, described in Harison's account as " The locks and the over-water ". This account shows a total of 116 salmon, six grilse, and nineteen sea-trout taken in the year 1575–6, as well as a number of sea-trout caught " In the stoo-nets, above the calles ", and it is interesting to notice that there was in those days an excellent run of spring fish, three being taken in December, eleven in January, nine in February, twenty-eight in March, and twenty-one in April. Sea-trout were being caught from 16 May onwards, rather earlier than their appearance (at least in any quantity) to-day. The early part of the account shows that a salmon worth 3*s.* was sold on 2 December ; a 3*s.* salmon was a fairly large fish, one worth, in pre-war money, about £3.

The account ends with very interesting particulars of expenses incurred by the bailiff in connection with the fishery : tree-trunks (" Boyles and tries "), and planks for the repair of the calles (weirs) ; sods and clay for the repair of the fish-house ; the building of a new boat, transport of its heavy keel to the fish-house ; pitch for the boat ; spike-nails ; stakes (pyles) for driving into the stream ; hemp to mend the saine (draw-net). The rushes used were probably for the thatching and the floor of the fish-house. A considerable sum was spent upon wages in the fishery, the bailiff receiving £3 4*s.* 4*d.* for his wage during the year, and his two assistants, John and Ralph Holinherst, a smaller sum. The Holinhersts should be distinguished from the " drawers " of the nets who were paid separately. The total expenses incurred by the three men regularly employed on the fishery during the season (Michaelmas, 1575—Michaelmas, 1576) were £12 1*s.* 3*d.*, the equivalent in modern money being roughly £150. Although the fishing season lay between 1 December and 30 Aug, work on the fishery seems to have gone on the whole year.

Similar evidence of early fishing is to be found in the register of the estate of Lord Molyneux, 1717, and is worth quoting in full :

> In Fishwick. A capital mess. or tenement let by Caryl Lord Molyneux to Richard Withington for the lives of Richard Eves and John Hudson at £6 rent, 2 salmons at Christmas or 12*s.*, 7 salmons in Lent or 42*s.*, 3 salmons out of Lent, or 12*s.*, 6 " Forktailes " in summer or 8*s.*, and 20 morts in summer or 10*s.*, in consideration of £600. In the tenure of Edward Greene, William Hodson, John Dennett, William Sudell, Alexander Hudson and Henry Parr.[1]

This account shows that at the beginning of the eighteenth century a run of spring salmon was to be expected before Old Christmas Day

[1] In County Record Office, QDP. 1/3.

(6 January) and that a " Forktaile " was a grilse and not a " mort " (sea-trout).

§ 3. Weirs and Nets

If it is true that at the present time " more than 80 per cent. of the salmon caught in the British Isles are taken in diverse forms by professional licensed netsmen," [1] it was even more the case down to the nineteenth century that rod and line accounted for a minute proportion only ; probably for none at all before the end of the fourteenth century [2]. As in other rivers frequented by salmon and sea-trout, the early fisheries of the Ribble were operated by (1) fish stalls, locally known as fish yards or garths or weirs (" calles ") and traps for eels and (2) by nets, fixed or movable. Garths were the primitive method of taking salmon in tidal water and remains of walls on the foreshore can still to-day be seen in parts of the Highlands of Scotland where they were known as " kerries " or " karries ". Nets were being used in England shortly after the Norman Conquest as can be gathered from an entertaining passage in William of Malmesbury's Life of St. Wulfstan, relating to salmon netting in the Trent at Nottingham by servants of the sheriff : [3] they were doubtless in use before this date.

The Cockersand fishery at Hutton, to which we have alluded, had two types of nets : " three nets to be freely fixed in Ribble water anywhere within the bounds of Hutton " (1190–1210) ; a " Trammel " net and " four stake nets ". The *tria retia*, or three nets, are evidently the genesis of the " trammel " (1255–78), or armoured net, a specimen of which the Ribble Fishery Board still preserves. This consists of three nets, fastened together, the outer ones being of stout cord and large mesh, the inner one of much larger size and small mesh, so that when a fish strikes the latter, it forms a pouch through the mesh of one of the outer nets. Apparently the trammel was found unsuitable for fishing in tidal water, and was superseded by stake nets, which continued to be used until modern times. Another allusion to stake nets in tidal waters is found in the *compotus* of Sir Richard Tanfelde, Prior of Lytham (1503–4), where the priory is said to have received nothing from the Rector of North Meols " for the moiety of the tithes of fish caught in nets above the ground (*supra solum*) in the water of Ribyll this year ".[4] Dr. Farrer

[1] G. M. King, " Some Salmon Fallacies ", *The Field*, 12 Feb., 1944, p. 167.

[2] The earliest known form of the English vernacular " Treatyse on fysshyng with an angle ", incorporated in its larger version by Wynkyn de Worde in the second edition (1496) of the *Boke of St. Albans*, is found in a manuscript of the early fifteenth century (now at Tuxedo Park, New York State) : *An older form of the Treatyse of Fysshynge with an angle*, ed. T. Satchell (1883) ; cf. E. F. Jacob, " The Book of St. Albans ", *Bull. John Rylands Lib.*, March, 1944.

[3] *Vita Wulfstani*, ed. R. R. Darlington (Camden Soc.), p. 44.

[4] Farrer MS., Lytham Compotus Rolls, CXXVIII. (Manchester Central Library.)

thought that these were drift nets, but there is no evidence that drift nets were used in the Ribble before the middle of the nineteenth century. Nets " above the ground " must refer to some form of stake net, as distinct from draft or " draw " nets which are paid out from a boat rowing round in a circle and then drawn to shore. A drift net has no connection with the ground, but is a wall of netting with a boat at one end, drifting with the tide ; whereas a stake net at low water forms a conspicuous wall of netting *above the ground* (*supra solum*).

In mediæval times each of the various manors up the Ribble would have its watermill,[1] and there must inevitably have been some interference with the free running of salmon, here as elsewhere, as is shown by the various Fishery Acts, most of which were aimed at preventing the erection of weirs across the salmon rivers. (See especially the fishery clause of Magna Carta (1215, cl. 33) ordering that all weirs in the Thames —a great sea-trout river in the Middle Ages—and elsewhere should be " wholly done away with ".) Weirs were a perpetual source of complaint and the cause of numerous inquiries and orders to sheriffs.[2] In 1394 Justices of the Peace were by statute appointed conservators and charged with the survey of all weirs, " that they should not be very strait for the destruction of the fry or brood of salmon but of reasonable wideness after old Assize used or accustomed ".[3] It is interesting to see how width was defined : in fact what the old Assize measurement was. In Cumberland, the royal justices in 1278 dealt with four cases in which riparian owners had narrowed the stream where " by ancient custom there ought to be a pass wide enough for a sow with her five little pigs " [4] ; and in 1293 the monks of Wetheral were impleaded for violation of this very measurement.[5] Again, in 1424, an Act was passed against " trinks and other fixed nets which are wont to be fastened and hung continually, day and night, to great posts, boats and ancres overthwart the rivers of this Realm ".[6]

[1] Cf. *Vict. County Hist. Lancs.*, ii, 274.

[2] For example, 1357, John de Molyns has set up five weirs across the river Thames between Maddenham and Chardesley, whereby the Prior of Rochester is hindered of his fishery : The sheriff reports that he had destroyed the weirs. *Cal. Inquisitions, Misc.*, iii, 121. In 1360 justices were appointed to inquire into stoppages of the passage of the Ribble which injured the fisheries : Fishwick, *History of Preston*, p. 32.

[3] Stat. Realm, 17 Ric. II, cap. 9.

[4] Placita de quo warranto, etc., Cumberland, 6 and 7 Ed. I (P.R.O.) contains a local Act for the County of Cumberland which ordains that in salmon rivers " in the thread of the said waters, of ancient custom there ought to be a hole so large that a sow with her five little pigs can enter ".

[5] *Vict. County Hist.*, Cumberland, ii, 335–6 ; cf. G. G. Coulton, *Five Centuries of Religion*, iii, 517. For obstruction in 1373 at the dam at Wetheral " preventing salmon getting in and out ", cf. *Cal. Inq. Misc.*, iii, 341. (No. 897) ; for obstruction at Scotby next year, cf. *ibid.*, iii, 347 (No. 919).

[6] *Stat. Realm*, 2 Hen. VI, c. 15.

In 1691–2 it was deposed in a suit between Sir Charles Houghton Baronet, Plaintiff, and Henry Farington, William Farington, George Farington, Agnes Farington (Widow), Edward Fleetwood, Hugh Symonds, Lawrence Rawstorne and Edward Miller, defendants, that " from time immemorial stakes and piles were placed in the bed of the river for fishermen to hang their nets upon, and it was customary before the beginning of the fishing season for the fishermen of Penwortham, Ashton and Lea to draw lots for priority, and having settled this, the river was fished right across from bank to bank by men of the two manors alternately from sunrise to sunset ".[1]

" Thomas Winckley of Preston Gentleman, deposed that he had assisted Mr. Fleetwood to search at Penwortham Hall among his ancient deeds and had found an Indenture of 6 March, 1552, between Sir Richard Houghton and John Fleetwood concerning the piscary in question."

This Deed is still in existence [2] and provides :

> That the water of Rybell shall be fished by them and their assigns betw. the lordships of the Lee and Houghwick on the same days as their fishing betw. Penwortham and Assheton and " not at tydes (Londfalles only except) wh. the seid parties are agreed shall be fysshed according to the custom of the seid water " namely that the days on which Sir Richard shall fish between the Lee and Houghwick shall be the days on which it shall fall by lot that he fishes between Penwortham and Assheton and that the days when John Fletewoode fishes between the Lee and Houghwick shall be the days when the fishers of Penwortham do fall by lot to fish between Penwortham and Assheton. But that if this be hurtful they can come to another agreement.

The meaning is obscure, as if the person who drew up the deed did not clearly understand the matter.

Sir Richard owned Lea and Ashton and John Fleetwood owned Penwortham and Howick opposite, and it seems to mean that instead of the two owners fishing *alternate tides* in the two stretches of water concerned (except when the river was in flood which seems to be the only possible meaning of " land falls ") they should in future fish alternate *days*, as determined by lot, over the whole of both stretches of water so that instead of each lord's men fishing every day they would only fish every other day and so not only avoid moving the nets every tide to another station with consequent damage to nets, but have alternate days off for mending and drying their nets.

In 1559 another salmon Act was passed against certain kinds of nets, and it is worth noting that at this date " angling " was " excepted ".[3]

[1] See later, p. 13, where the fishing in 1757 is stated to be from sun*set* to sun*rise*. Night fishing is, of course, more deadly.

[2] *De Hoghton Deeds* (Lancs. and Ches. Record Soc.), No. 201, C.R.O., DDHo, M/683.

[3] *Stat. Realm*, 1 Eliz., c. 17.

On the Ribble, surveying of weirs and obstacles was not neglected. In 1580 Special Commissioners assembled at Preston reported that they had not only reformed such engines and nets " as we could find to be unlawful, but also have viewed all such weirs, calles and gorses as are standing upon the rivers of Ryble and Wyer to the destruction of salmon and salmon fry ".

" There is one call, wear or gorse made about 18 years ago upon the water of Ryble called Bessowe call in such place as heretofore there hath not been any erected, and that the same call is so high and so close that salmon and salmon fry cannot have their free passage or course . . . and that the said call doth stop the water that none can pass over at an usual fourth (ford) above the said call which Fourth is a mile or thereabouts distant. . . ." [1]

The County Justice, 1635, under the heading " Fish " cap.21 lays down as follows :

Everie Justice of peace is a Conservator of rivers, and of the Statutes made in that behalfe (Sc. of the Statutes of 13.Ed.1, cap.47, 13 R.2, cap.19 & 17 R.2, cap.9) within his Countie where he is a Justice, and may appoint and sweare under-conservators ; and (when he may attend it) ought to survey all the weares in the rivers, that they be of a reasonable widenesse, and all other defaults done against the aforesaid statutes.

" Every Justice of peace, may burne the nets, and other engines, put or cast into waters, wherewith the frie or breed of any fish may be taken or destroyed. And this shall be for the first offence : and for the second offence, the said Justice of peace may (as it seemeth) imprison such offenders for a quarter of a yeare ; And for the third offence, one whole yeare : and as the trespasse or offence increaseth, so may the Justice of peace increase the punishment of such offenders. See the Statutes 13.Ed.1, 47, 13.Ric.2, 19, & 17.Ric. 2, 9.

By warrant of any one or moe Justices of peace, the Constables and Churchwardens (where any offence is committed in destroying the spawne and brood of sea fish, against the Statute made, Iac 3. Regis) may levie the forfeitures of the Offenders by distresse and sale of the offenders goods, rendering to the offenders the surplusage.

The particulars of the said Statute Iac 3. Regis are as followeth :

1. No person in any haven, harbour, or creeke, or within five miles of the mouth of any haven, harbour, or creeke of the Sea, shall fish with any draw-net, or drag-net, under three inches mesh (viz. one inch and an halfe from knot to knot) except for taking of Smoulds in Norfolke only ; And except for taking of Herring, Pilchards, and Spicots.
2. No person in any haven, harbor, or creeke, or within five miles of the mouth of any haven, &c. shall fish with any net with canvas, or other engine or device, whereby the spawn, frie, or brood of any Sea-fish may be destroyed.

And for every such offence, the offenders shall forfeit their nets, and ten shillings in money ; the one halfe thereof to be to the use of the poore of the Towne or Parish where the offence shall be committed, and the other halfe to him that will sue for the same ; and to bee levied by the Mayor or other head Officer of every Citie, Borough, or Towne Corporate ; or by warrant from one or moe Justices of Peace. Ut Supra.

[1] Farrer MSS. : Special Commissions, 1, 214. (Manchester Central Library.)

In Preston Court Leet Records [1] there are only three instances of presentments for fishing with illegal nets :

22nd April 1667 Hugh Martin and John Critchley doe ffish within this river of Ribble and within the bounds and liberties of this Incorporacon with netts whose maske [= mesh] is not above an inch broade (though) by ye statute it ought to bee two inches and one half broade, and therefore wee doe amerce them to pay ye sum of 5li. [£5.]

28th April 1674 Hugh Aynscough and Richard Withington, ffarmors of ye ffishing in Rible, that ye meases of theire netts are straiter than ye statute in yt case directs and fine them xis apiece. [40*s*.]

20th April 1680 Edward Hollinhurst, Hugh Simmon, John Harrison, Evan Hughson, ffarmers of ye ffishing of Rible, for yt they ffish with unlawfull netts contrary to ye statute in yt case made and provided, to pay xiij *s*. iiij *d*. apiece. [13*s*. 4*d*.]

With regard to the above it is interesting to note that the Corporation Fishery was let to the Farington of the day from 1535 to 1652, when apparently the Corporation tried to manage it themselves, but after these three cases they again leased to Henry Farington and again in 1720, 1741, 1761. As the Faringtons sub-let it with their own and other fisheries they were better able to control and manage it.

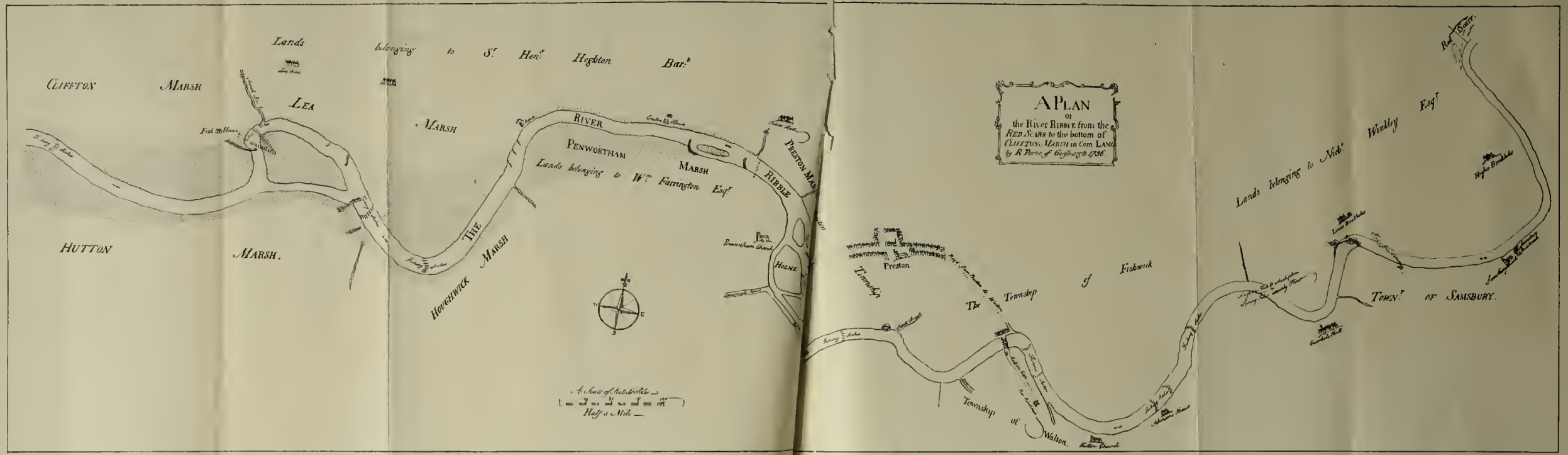
In the reign of Charles II, 18 July, 1674, there is a document appointing a Royal Commission which recited, among other things, " the setting up of fish garths, mill dams, or other like letts, impedimenta or annoyances ". The Commissioners were charged to survey streams and cause these things to be " amended, put down or reformed as the case should require ", and to " prostrate and overthrow all such fish garths, etc., as should be found to be excessive and hurtful ". Again, in the fourth year of Queen Anne, another Act required owners of mills to keep open a small hatch of a foot square, between 11 November and 31 May ; while in the first year of George I there is an Act of Parliament which actually mentions the Ribble by name as one of the rivers where no "bank, dam, hatch or stank net " may be erected or set up, an Act which was not repealed until 1861.

How ineffectively these various Acts, particularly 1 Geo. I, were administered on the Ribble can be judged from the litigation of the eighteenth and early nineteenth centuries, which presents a singular picture of the obstructions placed in the river. To make the situation clearer, the location of the fisheries may first be noted.

Reference to the map of Lower Ribble (printed above), will clarify the topography. A document found among the Winckley papers now deposited with the Corporation of Preston, undated, but evidently belonging to the 1750 period, gives the then boundaries of the estuary fisheries as follows :

Mr. Rawstorne's fishery begins at a Land Mark called " Marble Cross " opposite to Naze Point, and continues up to the West End of Howick March ; there Mr.

[1] Ed. Hewitson (1905), pp. 107, 124, 131.


A PLAN
of
the River RIBBLE from the
RED NEAR to the bottom of
CLIFFTON MARSH in Com LANC.
by R Parke of Gisburgh 1736.
CLIFFTON MARSH
Lands belonging to St Hen.d Hoghton Bar.t
LEA MARSH
HUTTON MARSH.
HOUGHWICK MARSH
THE RIVER RIBBLE
PENWORTHAM MARSH
Lands belonging to Wm Farrington Esqr
PRESTON MARSH
HOLME
Preston
Township of Fishwick
The Township of
Township of Walton.
Lands belonging to Nich.s Winkley Esqr
TOWN.r OF SAMSBURY.
Half a Mile

Farington begins and continues up to above the Higher Bathing Place called Westfield Draft; there, Sir Henry Hoghton takes it and continues up to Cuerdon to the Whitenors, then Mr. Assheton takes it to Salmesbury a little above his house.[1]

Mr. Clifton begins at the West End of Newton Marsh and continues to Savick foot; Sir Henry Hoghton takes it to Swaney Brook (that is, the west end of our marsh at the White House where Gosnol used to live); there the Corporation begins and ends at Swillbrook (below Avenham); there, Sir Henry Hoghton takes it and continues to a little way above the Mait [*sic*] House.[2]

Disputes were frequent between the tenants of these various owners but ultimately, in 1757, an agreement was reached between Sir Henry Hoghton, W. Farington, and L. Rawstorne, whereby they undertook to fish on alternate days, from sun*set* to sun*rise*,[3] by nets fastened to stakes across the whole river and, as Mr. Rawstorne had a lease of the Clifton fishing and Mr. Farington of that belonging to the Borough of Preston, all went well for a few years.

But there was trouble brewing. Already, in 1752 and 1756, Mr. Farington and Mr. Aspinall of Standen Hall, near Clitheroe, were consulting Counsel as to the legality of a fishing weir at Brockhall or Brockholes (not to be confused with Brockhall near Whalley)—just above the present Samlesbury Bridge, which weir then belonged to Nicholas Winckley. The case presented on behalf of William Farington, with Sir Richard Clayton's opinion appended, is so interesting that it has been printed in full in Appendix III. Not only does it explain how weirs came to be built in open defiance of the law ("it may be difficult to prevail upon a Justice of the Peace to convict the offenders") but it shows very clearly the changes in policy with regard to close time or "fence time". In 1706 this was fixed at 30 June–11 November which was varied in 1714

[1] There is no mention here of the Fleetwood family. An agreement of 8 March, 1716/17, between William Farington of Worden and Henry Fleetwood of Penwortham is, however, preserved among the Farington documents now at the County Record Office: it recites that Henry Fleetwood besides his fishery in Howick "doth claim a right of one day's free fishing in the Ribble called his 'through draft' and to a sixth part, including his tithe of fish, of all fish taken in the river within the Manor of Penwortham between Ivin Pool and the head of the March in Penwortham adjoining Howick. Also that as long as W. Farington had his lease from Preston Corporation, Henry Fleetwood 'by virtue of his possession of Penwortham Hall' should have one sixth of the fish taken in Penwortham; also that the fish caul standing near to the fish house in Penwortham shall from time to time be repaired such part adjoining the fish house as hath been anciently reputed to belong to H. Fleetwood consisting of 64 yards in length shall be repaired by him and the residue anciently reputed to belong to W. Farington to be repaired by him." (C.R.O. DDF 904).

[2] The statement about the Clifton Fishery is rather peculiar, as this family had bought, from Sir Richard Molyneux in 1606, a free fishery at Lytham also, which had originally belonged to the Monastery of Durham, and still owned it in 1750—but probably anything below the mouth of the Douglas was regarded as below the Ribble mouth in those days.

[3] Cf. ante p. 10.

to 1 August–12 November, the idea being no doubt the same as that which underlies the modern prohibition of all netting in fresh water on many rivers, i.e. that of protecting the earlier runs of salmon in fresh water till they have spawned. But evidently this did not suit the proprietors on the Ribble, for in 1750 a special Act was passed for that river altering the close time to 15 September–1 January, which closely approximates to the present close time (31 August–1 February). Thus on the Ribble from 1750 onwards unrestricted summer netting of the fresh water was legally carried on until after the close of the nineteenth century and there can be little doubt that this factor alone was largely responsible for the extinction of the Spring runs of salmon on this river.

The offending weir was originally built in 1586 by one Hugh Farington, as lessee of Sir John Southworth, and attempts to demolish it had been made in 1662 by William Worthington, against whom damages had been awarded both in the Court of Exchequer and at Lancaster Assizes. It was a notorious weir, for the Commissioners of Sewers made an Order in 1679 reciting that " James Mordan and John Welshman had erected a certain caul, Kiddell and fish garth extending over the River Ribble at Brockhall and had heightened and maintained the same " and that in spite of several orders " it had not been lowered or demolished but had been made much higher " ; that they had been fined 100 marks each, but since then it had been raised and strengthened. The fines were confirmed and the Clerk ordered to estreat the same forthwith.[1]

Apparently the fishing powers of this weir had been increased and it had been made " so strait " that even fry could not get through. Matters came to a head when one John Lavague, who had been the tenant of the fisheries below, became tenant of the Brockholes weir, while one Thomas Brewer, who also had nets on the Lune, and was evidently a commercial fisherman on a grand scale, became the tenant of the lower fisheries and introduced new and intensive methods of fishing. Porter's map of the Lower Ribble, facing p. 12, shows the position of the fishing stakes, while the sketch and description below illustrate the deadly nets used by Mr. Brewer. (See Appendix III.) Previous to his time, as already stated, fishing had been from sunset to sunrise, with nets which rose and fell with the tide.

Lavague naturally started proceedings against Brewer and had him fined twice, whereupon the lower owners tried to get up a petition to amend the Act of 1714 so as to legalize their own obviously illegal stake nets. Mr. Winckley, the owner of Brockholes Weir, took a stand against it, alleging that his weir had no bad effects, and that in any case, being

[1] The Commissioners also made an order to demolish another stone bank or fishlock betweenWalton-le-Dale and Fishwick : apparently this latter was demolished as we hear no more of it, but the Brockhall weir was bought by the mortgagee, Thomas Winckley, in 1696.

very ancient, the Act of 1714 did not affect it ; he also stated that his was the last fishery [1] on the Ribble and that if Mr. Farington succeeded, the latter would be able " to raise the price of salmon on the country ". The supporters of the petition, on the other hand, urged that the fish in the river had actually increased in spite of their nets and Mr. Winckley's weir, and that their nets did *not* hinder navigation, while, since Mr. Brewer had had their fisheries, salmon had been cheaper and, owing to the close time being from 14 September to 2 January, there was no interference with spawning salmon : that the market towns of Lancashire were chiefly supplied with salmon from Ribble and that there had been great quantities of salmon in the river for the last seven years. The petition is signed by Wm. Farington, H. Hoghton, Ra. Assheton, Thos. Clifton, Law. Rawstorne.

A number of papers relating to this dispute are deposited with Preston Corporation among the Winckley deeds, and, by the courtesy of the Town Clerk, I have been able to make a somewhat detailed and lengthy examination of them, from which it appears that Mr. Winckley went to very great expense to support his case. In addition to the main petition, by Nicholas Winckley and John Lavague, there is a petition signed by fifty-seven " Principal Landowners, Merchants, Manufacturers, Tradesmen and other inhabitants of Blackburn ", which implies that goods for Blackburn were brought by water to a point above Walton-le-Dale and there loaded on to vehicles on the Turnpike Road, and goes on to state that the navigation of the Ribble up to Walton-le-Dale had been for many years obstructed by fishing stakes and nets, and expressing apprehension lest the statute of 1714 should be amended so as to legalize these stakes and nets and thus injure the trade of Blackburn.

A similar petition, signed by eighteen persons for Walton-le-Dale, states that the Ribble is " navigable without the help of art much higher than the utmost extent of the Township on the north side ", so that the petitioners " may be supplied with great plenty of merchandise, materials for manufacture, corn, coals and other fuel, at much easier rates than by land carriage, in case the navigation of the said River be preserved free and open ".

The owners of Brockholes Fishery alleged that, notwithstanding the Act of 1714, the proprietors of all other fisheries in the rivers mentioned in the said Act " have paid no obedience thereto, and that the owners or lessees of divers Salmon Fisheries in the said River Ribble, in open defiance and violation of the above laws, have constantly, for many years past and still do during the fishing season, set nets (called stop-nets or scare-nets) fastened to stakes and posts across the said River from bank to bank, with a Bow or Hoop net in the Angle thereof [2] wherein the

[1] Probably he meant that there were no fixed engines or fishing weirs higher up—which seems quite probable, if his weir caught all the fish !

[2] Appendix III.

salmon are taken, and such nets, when so set, stand there continually day and night ", so that no salmon can pass up the said river to spawn except " when very high floods oblige them to take out such nets for a short time till the water settles to prevent their being torn in pieces ; and this often times in temperate weather does not happen once in the space of two months or more ".

" That the Petitioners (in confidence that the said laws would remain in force and that they should be entitled to the benefit thereof) did on the 28th day of November, in the year 1754, obtain a lease in the name of the said John Lavague, of an ancient weir and locks in the said River Ribble with the right of taking salmon there and in the adjacent parts of the said River, for the term of ninety-nine years, determinable on three lives ", and alleges that the petitioners' fishing is no hindrance to navigation " being situate much more remote from the sea than the places where the said nets are usually sett ".

It was also alleged that W. Farington, Preston Corporation, Sir Henry Hoghton, Bart., Ralph Assheton, Lawrence Rawstorne and Thomas Clifton, were the proprietors of *all* the fisheries between Mr. Winckley's fishery and the mouth of the river, all of which were then in possession of Thomas Brewer, who was also lessee of all or most of the fisheries near Lancaster on the Lune, and who was apparently responsible for the above form of net, and not content with these, also had drag-nets in between the stake-nets, and had previously been summoned by Lavague (Mr. Winckley's tenant) in 1754, and convicted by the Preston Justices.

But it was Thomas Weld, senior, of Stonyhurst, who ultimately, in 1804, took effective action against the then owner of Brockholes weir, with the encouragement and financial assistance of the landowners on Ribble, Hodder and Calder.

In the case of Weld *v.* Hornby, which was argued before the Court of King's Bench on 10 February, 1806, the plaintiff, as owner of a fishery in the River Ribble lying in the Manors of Ribchester, Dutton, Aighton, Bailey and Chaigley and also in the Hodder in the last-mentioned Manor, alleged that the defendant wrongfully continued a weir or dam across the River Ribble lower down the stream than the plaintiff's fisheries, thereby preventing salmon and other fish coming to the plaintiff's fisheries. At the trial at Lancaster before Sutton B. it appeared that, till about forty years before, the defendant and prior owners of Brockholes Mill had always had a brushwood weir across the river and none of the witnesses could remember any other than a brushwood weir prior to 1766. At that period the owner of Brockholes Mill erected a solid stone weir two-thirds across the river leaving the other third composed of the same material as before, to which it did not appear that any objection was made, but in 1784 the remaining third of brushwood was removed and the stone weir carried quite across the river. This weir was a solid piece

of masonry having three locks in it, as the former weir had, for the purpose of catching fish. He claimed relief, but the jury at the Lancaster Assizes (29 August, 1805) having found for the defendant, it was moved to set aside the verdict.

Lord Ellenborough, C.J., delivered judgment in favour of the plaintiff in the following terms :

> It is impossible to sustain this verdict. The right set up by the defendant to have a stone weir is plainly founded upon encroachment. The erection of weirs across rivers was reprobated in the earliest periods of our law. They were considered as public nuisances. The words of Magna Carta are that " all weirs from henceforth shall be utterly pulled down by Thames and Medway and throughout all England ", etc., and this was followed up by subsequent Acts, treating them as public nuisances, forbidding the erection of new ones, and the enhancing, straitening and enlarging of those which had aforetime existed.

The Rule was made absolute (9 November, 1808).

Among the papers at Hornby Castle [1] there is a summary of the evidence given at the earlier trial at Lancaster, from which a number of interesting details appear. Thus, Charles Humphries says he " had fished for the (Weld) family with great nets 30 to 40 yards long and about 22 years ago got plenty of fish but about 18 or 19 years ago got very few and had tried lately but could get nothing at all. Up to the time when the stone weir was built he got morts, sprods and salmon." Another witness, Mr. Topping, who had lived at Stonyhurst for twenty-four years, speaks of a weir built in " Odder " twenty years ago and the Rev. Mr. Park also refers to it and says a " fish race " was made through it because fish could not get over. Another witness, Richard Winkley, speaks of fishing " in Ribble and Odder " for sixty years and of fishing for Mr. Weld with large nets, mostly (? as well as) shackle nets, with twelve to fourteen men to a side—they caught salmon and morts about 60 to 70 lbs. a time, but not worth fishing since the stone weir was built.

Harry Winkley also speaks of fishing " Ribble and Odder " for forty years with net and rod, sometimes with a large net carried on a cart—sometimes with a shackle net—and says that forty years ago you could get 30 to 40 lbs. of sprods and morts any night with a small net, and that they used to use the large net three or four times a week in the fishing season. That after the stone caul was built they could get almost no fish with same tackle. He acted as watcher and " frequently discharged people for fishing and took from them rods and hand nets ". Thomas Charnock gives similar evidence and speaks of netting 10 to 12 lbs. of *salmon smelts* (smolts !) a day out of one hole seven or eight days together ! Says Odder weir was pulled down two years ago.

In 1811, a meeting of members of an " Association formed for the preservation of game and fish in the neighbourhood of the Rivers Ribble,

[1] Now in the County Record Office.

Hodder and Calder ",[1] acknowledged Thomas Weld's liberal conduct and resolved to raise a fund by general subscription to provide for the total removal of the weir, which removal was duly carried out.[2]

The benefit was soon felt, for in 1823 we find William Bramwell [3] writing :

The fisheries of the River Ribble have this season been more productive than they have been for many years. On Tuesday (the 15th July) the fish stones presented a sight of not less than 116 fine salmon, the whole having been caught by the nets of Mr. Melling during the night and morning fishing and they weighed 1,000 lbs.

They were sold for the Yorkshire market at 9*d.* per lb.

The same nets drew 50 salmon, weight 400 lbs., in the night and morning of Thursday and Friday, 17th and 18th July.

It may be true that Preston apprentices jibbed at salmon being served to them more than two days a week, but that apprenticeship Indentures ever contained a clause to that effect is still not proved.[4]

[1] This Association seems to have been followed by a Committee under the chairmanship of Colonel Towneley, which met at Whalley in 1854 and formed " the Ribble, Hodder and Calder Fisheries' Association ", and, according to the Fishery Board's first printed report (issued in April, 1867) " preserved the Rivers for years, increased the breed of Fish, and only surrendered their functions last year, when the Association was voluntarily dissolved that it might be resuscitated in the present Board of Conservators ".

[2] A sidelight is thrown on this transaction by the following extract from an old rental of the Gisburn Estate under the entry " Fishery of the River Ribble ", kindly supplied by the Steward, Mr. A. J. D. Robinson of Clitheroe Castle :

" The value of these inestimable Rights and Privileges are lumpt in the General Account of the Mansion House etc. Col.4. In the beginning of this present year 1811 a purchase was made of Brocka Call or Weir on the Ribble near Preston belonging to Sir Jno. Shelley by marriage with Miss Winckley. Towards this purchase Lord Ribblesdale began the subscription with £100 0*s.* 0*d.* and afterwards to forward the business then rather at a stand, he added £50 0*s.* 0*d.* which encouragement produced a completion of the sum required. The beneficial consequence expected is by a total demolition of the Mill and Call (which was a valuable Fishery to the old Proprietors and their Lessees) to open a free and uninterrupted Passage for the Salmon and other Fish up the River Northeast of this intolerable nuisance.

The Hon. M. Lister in July 1810 killed three large and most excellent Salmon in Ribble under Gisburne Park in one day with a Litster or spear, the weir at Brocka having accidentlly been left open."

[3] *Reminiscences of a Public Librarian*, W. Bramwell, Ambler, Preston, 1916.

[4] See " The Salmon Clause in the Indentures of Apprentices "—Dr. T. N. Brushfield, Chester Archæological Society, 1897, where the Author sets out the evidence, or lack of it, and quotes Frank Buckland (Inspector of Fisheries) as saying that " he was tired of hearing about such Indentures and almost weary of hunting for a copy ". His last paragraph is as follows :

" The only conclusion at which we can arrive, after a due consideration of the preceding remarks, is, in the present state of our knowledge of the subject, an unsatisfactory one ; and until we are able to obtain, as a result of further researches some direct positive evidence in support of this tradition, now entirely wanting, we are unable to regard the asserted salmon clause in the Indentures of Apprenticeship in any other light than as a myth."

The above-mentioned Thomas Weld, in 1804, claimed "Several Fisheries" in the Manors of Ribchester and Dutton, Aighton, Bailey and Chaigley, which had formerly belonged to Sir Richard Shireburn whose male line had ended with Sir Nicholas Shireburn in 1717, when the property passed, through his daughter, into the Weld family of Lulworth Castle, Dorset. He subsequently conveyed the Manors to various persons with rights of fishery, having, in 1797, leased Stonyhurst Mansion House to Trustees for the College, with rights of fishery over any of his estates, and the freehold was conveyed to them in 1812 with similar rights. His estates were afterwards sold to various parties subject to this over-riding right, which continued to be exercised by the College, with nets, down to the year 1898.

An interesting account of this netting was published in the *Stonyhurst Magazine* for February, 1911.

Some pools were drawn with draw-nets; others were "scotched", i.e. the fish were driven into a stop-net at the foot of the pool and these methods appear to have been in use by several other owners, with the result that a heavy toll was taken of the summer salmon and the earlier sea trout, and it is easy to see how it was that the Ribble which, until the alteration of the Close time in 1750, had been an early river, had ceased to be so by the middle of the nineteenth century.

After the "fixed engines" had been disallowed by the Special Commissioners in 1866, two appeals were heard by the Court of Common Pleas (which are reported under the titles of "Garnett and Others *v.* Backhouse" and "Rawstorne *v.* Backhouse".) [1] These appear to have been in the nature of test cases.

By the first, it was decided that the weir at Low Moor, Clitheroe, being a "mill dam" but not a "fishing Mill dam", the Commissioners had no jurisdiction and had exceeded their powers in ordering it to be abated, although Lush J. in the judgment says, "I think this dam might have been demolished or abated so long as the Statute 1 Geo. I was in force, because that Statute prohibited the setting up of any dam whereby the salmon might be hindered from passing or going up a river to spawn", but that section was repealed by the Salmon Fishery Act of 1861.

Mr. T. Garnett, the owner of this dam, was keenly interested in fisheries and he had not only provided his dam with a "baulk" which could be opened, but it was stated in evidence that it actually was raised on 181 days in the year so that salmon could use the fish pass; witnesses state that they believed that the weir had been built in 1782 [2] and the planks on the crest were found to have been added subsequent to 1829.

The other case decided that Mr. Rawstorne's stake nets (and therefore

[1] *Law Times Reports*, xvii, at. pp. 170 and 441.

[2] Mr. W. Garnett tells me that according to his papers the actual date was 1784. It probably took two years to build—it is a substantial structure.

all other stake nets in the Ribble Estuary) were rightly declared illegal by the Commissioners and ordered to be abated. It appeared that four baulks or stake nets were claimed as " privileged " under a charter of 7 and 8, Richard II granting them to Cockersand Abbey, and that they were set close to the river wall, each baulk being somewhat of a crescent form nearly at right angles to the current. The first baulk was 220 yards long ; the second 440 yards ; the third 350 yards and the fourth 75 yards.

A " baulk " consisted of a series of separate nets each 30 × 6 yards and joined together with stakes 12 feet apart. The net was set across a hollow of the sands and the lower part hung free, so that when the tide flowed the bottom of the net floated out on the top and was no obstruction to fish, but when the tide receded there was a " readying stake " 5 feet long attached every 12 feet which kept the net stretched down and so caught fish on the ebb tide only. The erection of the training walls [1] had caused the ancient positions of the nets to be altered : they were not placed in the navigable channel.

It seems clear from the above that the value of a " several Fishery " in the Estuary lay in the right to set up " fixed engines " either baulks or stake nets, and that when the training walls had canalized the channel the catching power of these had already fallen off : when they were finally disallowed by the Commissioners, the estuary " several fisheries " became practically worthless.

It is stated in the report of the case of Rawstorne *v.* Backhouse in 1868, " At the present day fishing with stake nets or baulks is not practised on Sir Henry Hoghton's side of the river (i.e. the North or Lea side) *the sands over which the fishery extended* having been for several years past reclaimed and converted into agricultural land."

The Rawstorne nets after 1844 had been put nearer to the training walls " because they caught more fish " (the rent in 1803 being £10 and in 1844 £40).

The Index of Deeds enrolled with the Clerk of the Peace for the County of Lancaster shows :

1867, 1st April, Judgment of the Special Commissioners for English Fisheries, declaring the following fixed engines in the Ribble Estuary illegal :

One hang or spike net and one baulk or stake net owned by John Wright of Hesketh and Henry Dobson of Preston situate at Hesketh with Becconsall.

Baulks or hang nets owned by Trustees of Crosfield's Marriage Settlement at Warton.

Stake nets or baulks owned by William Moss of Longton on Longton Sands.

Stake nets or baulks owned by William Wilkins of Longton on Longton Sands.

Stake nets owned by Sir Thomas Hesketh, Bart. on Hesketh Sands between Banks sands and Astland gutter (R. Douglas).

[1] Training walls. For details of the various extensions of these walls, see Barron, *op. cit.* ch. xii. It was by their action that the channel was gradually confined and straightened as noted in the Introduction.

Stake nets owned by Scarisbrick Trustees on foreshore of North Meols.
Stake nets or baulks owned by J. T. Clifton at Lytham.

To-day the estuary fishing is carried out with drift nets operating in the channel between the training walls at low states of the tide and strictly limited to six by the Board of Conservators, whose policy in this matter has shown excellent results.

§ 4. Upper Ribble

The Clitheroe Court Rolls [1] throw a certain amount of light on conditions in the Ribble, Hodder and Calder valleys. The Editor states in his historical summary that the Honor included not only the Hundred of Blackburn but the Hundred of Bowland and the Manors of Slaidburn, Tottington and Bury, and traces the title to it from Domesday to the present time. These Court Rolls appear to be the chief source of information for a considerable extent of the Ribble and the whole of the Hodder and Calder and a number of extracts from them are given later in this article.

One of the duties of a Court Leet [2] was to inquire of fishers

whether they do their duties or no, in bringing to the market such food as is good and wholesome for a man's body and not corrupt or stinking and there sell the same at reasonable prices without taking any excessive gains, but only for every twelve pence bestowing one penny cleere gains over and besides their charges. Also no man ought to fish with any net or engine (angling only excepted) but with such net or Trannell as every mesh shall be two inches and a half wide, except nets only to take Loches, Mennas, Bulheads, Gudgions, Eeles, and none other fish.

The Court Baron was to inquire if any man had fished, hawked, or hunted within the Lordship without the leave or licence of the lord.

The Court of Bouland at Waddington seems to have been specially active in fishing matters as early as 1324—for we read of Roger de Thistiley being fined 4*d*. for fishing in the Ribbell on 10 January; Adam Scot, Henry, son of Richard de Chatteburn, Adam, son of Alan, and Adam, son of Walter Bi-the-yate, 3*d*., 3*d*., 5*d*. and 4*d*. respectively on 28 January also for fishing in Rybill; and Robert, son of William the Baker, for fishing, 3*d*. on 1 March.[3]

At the Halmote Court for Chatburn, Worston and Penhulton, held at Cledrow Castle, 12 November 1526,[4] the Jury found that "John Chatburne, Thomas Nowell, John Corbrigg, Junior, William Dawson, Edmund Dawson, Richard Symson and Richard Dawson, are common fishers in the water of Rybbell, and that they take salmon called 'le Keipper

[1] *Court Rolls of the Honor of Clitheroe*, ed. W. Farrer, 1897. 3 vols.
[2] *Lancashire Court Rolls*, (Lancs. and Chesh. Record Soc., vol. 41,) pp. 65–7.
[3] *Court Rolls of the Honor of Clitheroe*, vol. I, p. xvi.
[4] *Ibid.*, p. 78.

salmons ' to the injury of the said water and in contempt of the statute " and they were fined 4*d*. each, and on 18 April, 1547, three more men were punished for " taking by night from Ryble salmon called ' Kepers ' without licence ".[1]

On 17 July, 1548,[2] at Colne the Jury declared that Robert Blakey, John Corbrig and Nicholas Hoghton were common fishers in the King's waters, where they had no right, while on 17 November, 1563,[3] at the same place, Thomas Allanson and James Emotte were found to have fished with a net contrary to the Statute.

In the records of the Halmote Court of Ightenhill [4] we find Ralph Whitacre presented for fishing in Penhull water (21 May, 1516) while John Hey Chaplain " is a common fisher who destroys the rivulet of Pendill injuring it with nets and other engines " (18 August, 1525).[5] John Kyngstones is fined twelve pence for a similar offence on 20 October, 1529,[6] on which date also William Stounes and John Bowker are each fined twelve pence " for fishing with nets in Goldsheybothe water and selling the fish to strangers without licence ", while Giles Sclayter, for fishing in Calder water, is fined two shillings on 6 June, 1538.[7]

John Kyngstones seems to have given up his netting and taken to angling (or gaffing ?) for on 26 April, 1542,[8] he is convicted of having fished " in the King's Waters of Calder with Fysche hookes without licence of the Steward " and fined twelve pence.

There are several convictions for fishing " without licence " in the King's water in Pendill (or Penhull) which have a curiously modern sound ; sometimes fishing " with nets " is mentioned.

John Hey, chaplain, was apparently incurable, for he was fined again on 22 June, 1554.[9] On 31 May, 1562,[10] three persons are amerced for fishing with " a wade " (*reticulo*).

A " fishing Pound in Colne, let to one William Lister at a rent of one shilling and eight pence " is an item in an Inquisition of the Wapentake of Blackburneshire, 8 January, 1662,[11] and it is found that " a parcel to marsh ground nere Colne called the Vivar was formerly occupied as a fish pound and leased by King James for 60 years " from 1610 at a yearly rent of two shillings and eight pence paid by Christopher Smith, John Hall, William Hartley and Robert Hargreaves in equal parts.[12]

Then in the Halmot Court Rolls of Accrington we find references to the King's Mill at Accrington " with one fishery of the King within Acrynton aforesaid " and we notice that at a Halmot Court on 19 January, 1536–7,[13] one Henry Conclyff (who was the greave of Accring-

[1] *Court Rolls of the Honor of Clitheroe*, vol. I, p. 153.
[2] *Ibid.*, p. 378. [3] *Ibid.*, p. 454. [4] *Ibid.*, p. 47.
[5] *Ibid.*, p. 74. [6] *Ibid.*, p. 97. [7] *Ibid.*, p. 129.
[8] *Ibid.*, p. 152. [9] *Ibid.*, p. 243. [10] *Ibid.*, p. 313.
[11] *Ibid.*, p. 440. [12] *Ibid.*, p. 447. [13] *Ibid.*, p. 89.

ton New Hold) and his son were fined four pence for " fishing with their nets below ' le mylne were ' of the same mill ".

Fines for fishing in the King's stream and mill dam in Tottington, 21 August, 1525,[1] in the King's river at Haslingden 19 October, 1537,[2] in Calder Water, 6 January, 1538, and in the King's Water within the Forest, 23 October, 1543,[3] may also be noted.

In 1716 the Earl of Burlington and Cork leased to Thomas Chamberlaine of Skipton, gent., for four years all the tolls and customs of the markets of Settle and Long Preston, etc., " and also the liberty of fishing in the Town of Giggleswick and River of Ribble so far as the said Earl's Liberty doth reach in the said Townships of Settle, Giggleswick and Long Preston aforesaid ".[4]

At some future time, it may be possible to deal in greater detail with the history of upper Ribble, Calder and Hodder fisheries : much material doubtless exists in the Rolls of the Manor of Slaidburn, which, until a few years ago, were kept at Clitheroe Castle. They have now been transferred to Leeds, where it is to be hoped that the work of calendaring them may some day be put in hand.

From these few notes, however, it may be gathered that the trouble of the Ribble has been that of divided control, being comprised in two different counties, and always split up among a multiplicity of owners having diverse and conflicting interests, and too remote from the seat of the central government to be much affected by laws passed in London, even as late as the eighteenth century. Had the whole river lain within the boundaries of a single great estate, or even in a single county, its history might have been very different.

In 1834 we find Mr. T. Garnett writing [5] :

> In this neighbourhood the properties generally are so much divided, and so few good fish are allowed to ascend the river that no one has any interest in protecting them in close time, and the consequence is that all sorts of contrivances for taking them are resorted to ; they are speared and netted in the streams by day and night, they are caught with fly, they are taken with switch hooks (large hooks fixed to the end of staves) or with a triple hook fixed to the end of a running line and a salmon rod : if the river becomes low, parties of idle fellows go up each side of it in search of them, and by stoning the deeps, or dragging a horse's skull or large bone of any kind through them, they compel the fish to " side " and then they fall an easy prey when the pool is of small extent.
>
> In a river so small as the Ribble it will be readily believed that not many fish can deposit their spawn in safety when practices of this kind are followed almost openly and when no one feels a sufficient interest in the matter to put a stop to them. A single party of poachers killed 400 salmon in one season near the source of the river, the roe of which when potted they sold for £20.

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[1] *Court Rolls of the Honor of Clitheroe*, vol. I, p. 297.
[2] *Ibid.*, p. 93.
[3] *Ibid.*, p. 129.
[4] Brayshaw and Robinson, *op. cit.*, p. 128.
[5] *Essays in Natural History and Agriculture*, Garnett, 1883, p. 18.

This reference to 400 salmon " near the source of the river " is very interesting because it draws attention to the fact that it was only about a century ago that the Ribble above Settle was entirely closed to migratory fish. This came about by stages which are fully recorded in Brayshaw and Robinson.[1]

But why was this allowed to happen? The explanation may be found in a footnote by the learned Editor of *Oke's Fishing Laws* (3rd ed., p. 81, note) where he remarks that the " plan of each county appointing its own Conservators was found to work very badly for, to use the words of the preamble of the Salmon Fishery Act, 1865, no provisions are made for securing the co-operation of the Conservators of different counties where a river frequented by salmon borders on, or passes through, several counties. And, consequently, each county, instead of regarding the general welfare of the river, looked entirely to its own."

So that, while the Lancashire Justices dealt with the Ribble as a Salmon River, the West Riding Justices apparently disregarded that aspect, and looked upon it chiefly as a source of power for the mills at Settle.

The weir above Settle bridge was first built about the beginning of the nineteenth century and having been washed away about 1830, was replaced by the perpendicular wall which now blocks the river.

The weir at " The Locks ", Stackhouse, on the other hand, replaces a structure which dated back to before 1221, when there was a dispute between the lord of the manor of Langcliffe and the Abbot of Furness Abbey, whose monks had apparently built their mill on Langcliffe soil. The mill was awarded to Elias, the lord of Langcliffe, but the monks retained the mill pond and presumably the weir which enabled the water to reach it.

The Paper Mill weir at Langcliffe in its present form only dates from about 1868: apparently it took the place of one built by the monks of Furness which was much lower than the present one and well above it on the river.

Mr. Garnett writes again in 1846 [2]: " The fisheries are declining so rapidly that unless something is done, and done quickly, the breed of salmon will be extinct in the rivers in this neighbourhood." In 1861 " the Gas tank at Settle was emptied into the Ribble: all the fish, so far as was known, were killed between that place and Mitton (about 28 miles) salmon as well as parr and trout.[3] . . . In 1862 grilse and salmon were more abundant than for some years, but scarce in 1863 ", thus Mr. Garnett; and yet in 1868 the Conservators in their second annual report were able to record approximately 16,000 [4] salmon netted for the 1867 season!

But that figure was never reached again: and the tables and graph

[1] *Op. cit.*, Ch. 21. [2] *Op. cit.*, p. 38. [3] *Ibid.*, p. 9 note.
[4] *The Field*, 1868. The Ministry figures give 15,000

which follow [1] tell their own tale of how this beautiful and prolific river was in less than a century practically cleared of salmon by the greed of man who, having cut off its upper waters and turned its lower waters into blood—or something far worse—proceeded to slay its fish systematically, by unlimited drift nets operating in an ever-narrowing estuary.

This rapid decline of the fisheries (which ironically coincided with the formation of the first Fishery Board in 1866!); the further formation of the Ribble Joint Committee and Yorkshire Rivers' Board about 1894, the reorganization of the Fishery Board as the Ribble Board of Conservators under a Provisional Order in 1912, the gradual realization by the new Board of its powers under the Act of 1923 and the consequent improvement of the river in recent years, are matters of modern history which have already been dealt with fully in other places, to which reference is made in the Calendar of Documents. Enough has, however, been said above to show that the example of the Ribble has at least two important lessons for those who are now planning for the future.

The first is that, in fishery matters, local and personal interests *must* be subordinated to the good of the whole river or watershed; the second that, while control must be independent, well-advised and not too remote, the area controlled must not be too large, for Acts of Parliament passed in London to govern all the rivers of England and Wales, or even a group of rivers, have again and again failed in their purpose because the local Justices were unable or unwilling to see them properly administered, a glaring example being the Act of 1714 forbidding the erection of weirs, which seems to have been disregarded entirely on the Ribble and its tributaries, the Calder and Darwen.

[1] See Appendix V.

APPENDIX I

JOHN HARRISON'S ACCOUNT WITH WILLIAM FARINGTON.

GLOSSARY

Baron, Mr.	= Roger Langton of Broughton, Baron of Newton
Baudes	= boards
Boetlat	= larboard
Calles	= weirs
Clywinge	= clowing
Copinge	= embanking
Fluckes	= flukes
Follinge	= felling
Forehorne	= stem (of a boat)
Forke tale	= grilse = a salmon returning from the sea in the year following its migration
Hagge	= muddy hollow
Hodde	= hold or holt—a hole under a rock
Hoke Steles	= hook shafts
Lasying	= loosing
Maple	= mop
Meine	= mean
Milwine	= cod
Mort	= sea trout or salmon trout
Raddling	= wattle work
Rudding	= cleaning
Ryesse	= rushes
Saymond	= salmon
Sayne	= seine net
Secto	= (?) Sack-Tow
Sparling	= small fish
Spykins	= spike nails
Stoo nets	= stow nets
Sprod	= sea-trout in the grilse stage—a whitling
Tries	= trees
Thrommer	= short pieces of coarse yarn
Wroethe	= worth
Wydderwythes	= counter balances
Yardes	= straight branches

NOTE :—*Underlined words, printed here in italics, are in the hand of William Farington.*

Anno 1576 *The Accompte of Jhon Harison for the fyshinge of Rible due unto Wm. Farington and Jhon Fletewood, one howle yere begynge at Mycheles 1575 Anno xvii and ending at the sayd feaste 1576 Anno xvii Elizabeth regine.*

Asheton Watter

Nothing gotte there the said yer.

The lockes and the over watter

The xv of December i Saymonde taken and solde unto Evan Watson for iiii s.

The ix and x of Januari iii Saymondes taken and solde unto Thomas Grimes and Wylliam Symson for viii s. viii d.

The xiiii and xv of Januari ii Saymondes taken and solde unto Thomas Eiwes for vi s. viii d.

The xvii of Januari i Saymond taken and solde unto Robert Woodcoke the xxth of Januari for ii s. vi d.

The xxi of Januari i litell Saymonde taken and sold unto Jhon Haryson of Farryngton for xx d.

The xxix and xxx of Januari iii Saymondes taken and sold the ii of Fabuari unto Thomas Eiwes for vii s.

The xxiiii of Fabruari i litell saymond taken and solde unto Edwarde Diconson for xx d.

The xxv and xxvi of Fabruari iiii Saymondes taken and solde unto Wylliam Sydell and Wylliam Symson of Preston for ix s.

The xxvii of Fabruari i saymonde taken and sold unto Edmund Lemonde of Preston for xxii d.

The fyrst day of Marche i Saymonde taken and sold unto Wylliam Symson for ii s.

The seconde day of Marche i saymonde taken and solde unto John Buckler for ii s. ii d.

The iiii of Marche i saymonde taken and solde the vi day of Marche unto Thomas Blacklege for ii s.

The vii of Marche ii saymondes taken and solde unto Wylliam Sydell for vii s.

The ix of Marche i saymond taken and sold unto Evan Werden for ii s. vi d.

The x of Marche i saymond taken and solde unto Evan Werden for ii s. viii d.

Item the same daye i saymonde taken and solde unto Mr. Babington for ii s.

The xi of Marche ii saymondes taken and solde unto Wylliam Symson and Thomas Eives for iiii s.

Item the xi of Marche i saymonde taken and sold unto Syr Thomas Walles of Preston for ii s.

The xii of Marche i saymond and a forke tale taken and solde unto Thomas Eives and Wylliam Symson for iiii s.

The xvi of Marche i saymonde taken and solde unto Wylliam Symson for ii s. x d.

The xxiiii of Marche ii semondes taken and sold unto Wm. Symson the xxv of Marche for iiii s. iiii d.

The xxv of Marche iii semendes taken and solde unto Evan Watson for viii s. vi d.

The xxviii of Marche iii semondes taken and sold unto William Symson, Thomas Eives, and John Buckler for vi s. viii d.

The xxx of Marche ii saymondes taken and solde unto Mr. Alexander Houghton for vii s. vi d.

The fyrst day of Aprill i lytell semond taken and sold unto Wm. Symson for xx d.

The iii of Aprill i semonde taken and sold unto Evan Werden and Lawrance Werden for ii s.

The iiii of Aprill i semond taken and sold unto Wylliam Haryson of Preston for iii s. ii d.

The v of Aprill i semond taken and sold unto Wm. Sydell for iii s. iiii d.

The viii of Aprill i semond taken and sold unto Thomas Blacklege for xxii d.

The x of Aprill i semonde taken and solde unto Evan Werden the xi of Aprill for iii s. viii d.

The xx of Aprill two semondes taken and sold the xxi unto Thomas Eives for iiii s. iiii d.

The xxiiii i semond taken and sold unto Syr Wylliam Walles for xxii d.

The xxiiii of Aprill ii semondes taken and solde unto John Buckler for iii s. viii d.

The xxviii of Aprill i semond taken and sold unto John Buckeler for xx d.

The xxx of Aprill iii semondes taken and sold Evan Watson and John Buckler for iiii s. vi d.

Item the same day i semond taken and sold unto Robert Bond for xxii d.

The ii of May i semond taken and solde unto Syr Wylliam Walles for xx d.

The viii of May i semond taken and sold unto Wm. Sydell for xx d.

The xxvi of May i semond taken and sold unto Thomas Eives for xxii d.

The xxvii of May i semond taken and sold unto Thomas Eives for ii s. iiii d.

The xxix of May i semond taken and solde unto Wylliam Symson for ii s. ii d.

The vi of June i semond taken and solde unto Evan Watson for ii s.

The vii of June ii semondes taken and sold unto Thomas Eives and John Buckler for iiii s. ii d.

The viii of June ii semondes taken and solde unto Thomas Eives and John Buckler for ii s. x d.

The ix of June ii semondes taken and solde unto Jhon Buckler for iii s. iiii d.

The xii of June i semonde taken and sold unto Thomas Eives for xvi d.

The xxiii and xxv of June ii semondes taken and sold unto Thomas Eives for iii s. xi d.

Item two forke tales and a mort taken in the saine sold unto Thomas Eives for xviii d.

The xxvi of June i semand taken and sold unto Wm. Sydell for xx d.

The xxvii of June i semonde taken and solde unto Wm. Sydell for xvii d.

The fyrst day of July two semondes taken and solde unto Evan Watson for iii s. viii d.

The ii of July i semond and a forke tale taken in the sayne sold unto Wm. Sydell and John Sowethwroeth for iii s.

The vii of July iii semondes taken and sold unto Thomas Eives for v s. viii d.

The viii of July i morte taken in the lockes sold unto Evan Werden for viii d.

The xv of July i morte taken in the saine sold unto Robert Goodfors for viii d.

The xvii of July i semond taken and sold unto Thomas Eives for ii s.

The xviii i forketale taken in the sayne sold unto Evan Watson for xii d.

The xix of July ii semondes taken and sold unto Evan Watson for iiii s.

The xx of July i semond taken and sold unto Evan Watson for ii s.

The xxi of July i semond taken and sold unto Evan Birrie for xxii d.

The xxiiii of July i forke tale in the saine and sold unto Rycherd Smyeth for x d.
Item two mortes unto Edmunde Runckehorne, taken in the saine, for x d.
The xxv of July iii semondes taken wythe the saine, and a forke tale, and sold unto Wm. Symson for v s. iiii d.
Item i morte unto Edwarde Diconson sold for iii d, taken in the saine.
The vi and vii of August iiii semondes taken in the lockes, sold the viii of August unto Evan Watson for ix s.
The x of August i semonde taken and sold unto Thomas Eives for ii s. ii d.
The xii of August i semonde taken and sold unto Raffe Hudsmith for xxii d.
The xvii of August i semonde taken and sold unto Wylliam Symson for ii s. viii d.
The xx of August and xxi two semondes taken and solde unto Wm. Symson for iiii s. viii d.
The xxii of August ii semondes taken and solde unto Wm. Symson for vi s. iiii d.
The xxiiii of August ii semondes taken and sold unto Wm. Sydell for iiii s. iiii d.
The xxx of August i semond taken and solde unto Wylliam Symson for ii s.

Smale fysshe taken in stoo nettes aboute the calles.

The xiiii of May reseved for the lordes for mortes vi d.
The xvi of May reseved iiii d.
The xxi for i morte viii d.
The xxviii for ii mortes vi d.
The ix of June i morte and two sproodes sold unto Thomas Eives vi d.
The xiii of June at one acount wyth Raffe Holynerst iiii d.
The xviii of June rec. ii s.
The xxvi of June for ii mortes unto Henry Symonde iiii d.
Item i morte unto Henry Symond ii d.
The xxix of June rec. for mortes viii d.
The xx of July at one acount wyth Raffe Holinerst receved x d.
The xxvii of July at one acount wythe Raffe Holinerst ii d.

Sum totall of all the particular rec. afforeseyd 1576 amownteth unto the xii li x s. iii d.
Whereof the one halfe of the tythe being due unto Mr. Fletewod being deducted cometh unto the somme of xii s. vi d. qr.
And the other halfe of the same being due unto me is also xii s. vi d, qr.
And so receyveth of the sayd totall the some of xi li. v s. ii d. ob
Whereof deducte the viiith parte due also unto the said Mr. Fletewodde amowntinge unto the some of xxviii s. i d. ob. qr.
And so receyveth due unto me over and besydes the moyetie of the said tythe there the some of ix li. xvii s. ob. qr. di qr.
Sum totall there due unto me is x li. ix s. vii. d. di. qr.
And unto Mr. Fletewodde x li. vii d. ob. qr.

For tythe fysshe taken in sto nettes in the handdes of John Haryson viii d. taken out of the Fysshers parte.
The meine water betwisse Mr. Baron and my master Mayster Farryngton.

The xxviii of June for two mortes taken in sto nettes in the meine draught sold unto Thomas Eives for iiii d.

Sum xii d.

Whereof due unto me the some of viii d.
And unto Mr. Fletewodde iiii d.

1576. Fysshe delivered unto my maysters howse for his own use, in the xviii yere of Elyzabethe.
The ii of December i semond wroethe iii s.
The xvi of December i semonde wroethe iii s.
The xxviii of Fabruari two semondes wroeth v s.
The xxii of Marche i semond wroethe ii s.
The xxiiii of Marche i semond wroeth iii s. iiii d.
The last day of Marche iii semondes wroeth x s.
The v of Aprill i semonde wroeth iii s.
The vii of Aprill i semonde wroeth ii s. viii d.
The xii of Aprill i semonde wroethe ii s. viii d.
The xii of June ii mortes vii d.
The xvi of June i morte iii d.
The xxiii of June i semonde wroethe xx d.
Item sexe mortes xx d. Totall xxxviii s. x d.
1576. Fysshe delivered unto Mr. Fletewode in the eighttynthe yere of Elyzabeth.
The v of Januari i semond wroeth ii s. viii d.
The xxv of Fabruari i semond ii s. vi d.
The xvi of Marche i semond wroeth ii s. ii d.
The xxiiii of Marche i semond wroeth iii s. iiii d.
The iii of April i semond wroeth ii s. viii d.
The iiii of April ii semondes delyvered unto Thomas Blacklege for Mr. Thomas Fletewod wroeth v s. iiii d.
The xiiii of June i morte iii d.
The xxiii of June i morte iii d.
The iiii of July i morte iiii d.
The xxiiii of July i semond wroeth xx d.
The xxx of July i morte iiii d. Totall xxi s. vi d.

Charges and paymentes sustened the same yeare afore wryten aboute the Fysshynge in Penwortheam beginning at Mychelmas in Anno xvii Elizabeth and ending the xviii of Elyzabethe regine.

The xiiii of November for follinge of wodde for reparacion of the calles unto theise, Raffe Holinerst, John Holinerst, John Harryson, xii d.
Lawrance Bycarstaffe, Hughe Symond, Rycherd Robinson, xii d.
Roger Robbes, Rycherd Bucke, viii d.
In brede and drinke the same day at Rycherdes Taleor, viii d.
The xv of November for folling wodde, John Holinerst, Raffe Hollinerst, John Harryson, xii d.
Lawrance Bycarstaffe, Hughe Symond, Rycherd Robinson, xii d.
Roger Robbes, Rycherd Bucke, viii d.

In brede and drinke the xv of November at Rycherdes Taleor, viii d.
The xvi of November for leding of bandes and ryesse and boiles of tries, unto Robert Sergegeant for iii lodes ledinge, xii d. John Holinerst also xii d, also Raffe Holinerst xii d. also Robert Charnle xii d, also Robert Awghtton xii d.
In bred and drinke unto them at Ryc.Taleor the same day v d.
Item the same day unto Raffe Holinerst, Rycherd Bucke for laying uppe boiles of tries, bandes and ryesse at the fyshe house, for there wadges, viii d.
In bred and drinke unto them, ii d.
Item unto John Holinerst, John Haryson, for loding the waynes in the wode, for there wadges viii d.
In bred and drinke the same day ii d.
The xvii of November for ledinge of iiii lodes of wodde, unto Robert Sergean xvi d.
John Holinerst also xvi d.
Also Raffe Holinerst for foure lode xvi d.
Robert Charnle also xvi d.
Robert Awghtton xvi d.
In bred and drinke unto them v d.
The same day unto Raffe Holinerst, John Haryson, John Holinerst, for there wadges, xii d.
In bred and drinke unto them threi, iii d.
The xviii of November unto John Holinerst, Raffe Holinerst, John Haryson, for copiinge the new hagge and for other worke at the lockes for ther wadges, xii d.
In bred and drinke the day aforesayd at Vans Werden, iii d.
The xxviii of November unto Jhon Holinerst, Raffe Holinerst, Jhon Harryson, for deliverynge ridginge soddes and ledinge them and foure lodes of clay to be dobe *for the repaire of the fichehowse* and for getting yardes to make syle houkkes to the lockes. for their wadges xii d.
In bred and drinke unto Thomas Holinhirst and those aforesayd, iiii d.

The new boet makeinge.

The xiii and xiiii of Januari unto Robert Whyetsyde when he came from Priso to Werden to talke with my master as conserning the makeinge of a new boet, for his labor xii d.
The xii of Januari for super and for breikefast unto Robert Whyetsyde at Edwardes Diconson, iii d.
The xiiii of Januari unto Robert Whyetsyde when he went home from Werden to Priso, in brede and drinke at Edwardes Dyconson, i d.
The xix of Januari unto George Whyetsyde at Edwardes Diconson for his diner there, ii d.
The xxi of Januari unto George Whyetsyde and Wylliam Tysynge and Wylliam Chaetborne, in bred and drinke unto them at Edwardes Diconson at that tyme the brought inner tymbers for the boet iii d.
The foresayd day at night for super unto George Whyetsyde at Diconsons ii d.

The xxii of Januari for the table borde of George Whyetsyde iiii d.
Item for carryinge a letter unto Robert Whyetsyde to Priso ii d.
Unto Robert Awghtton for carriinge the keule of the boet from his howse to the Fysshe howse i d.
Unto Wylliam Greives for thrommes to be a maple for the boet ii d.
The xxiii of Januari unto Robert Whyetsyde, George Whyetsyde, and John Whyetsyde, for their weikes wadges, viii s.
Item for ther table at Edwardes Diconson the wyeke aforesayd, v s. vi d.
The seconde weike for there wadges Candellmas day, beinge in that weike for foure dayes worke of them iii boetmen v s. iiii d.
Item for ther table from Sonday untill Saterday in the morninge at Edward Dyconson v s.
The vi and vii and viii of Fabruari for the wadges of them threi iiii s.
The iiii and v and vi and vii and viii of Fabruari for ther table at Vans Werden v s.
The xix and xx and xxi of Januari unto George Whyetsyde for his labor when he came to Werden to provyde for inner timbers for the boette xii d.
The xxiiii of Januari for foure stone and foure pond of pytche bought of Mr. Blondell two myles from Lyrpo cost v s.
The xxiiii and xxv of Januari in expensys by Raffe Hollinerst in going to boi pytche and comynge homewardes againe xii d.
Item for his wadges two dayes viii d.
Item eightene ponde of pytche bought of Wylliam Bancroft of Preston for ii s. vi d.
Item for a stone and half of a stone of talo rendered vii s.
Item for duble and single spykins bought in Preston xii d.
Item for tarre to dryve trie nales i d.
Unto Wylliam Farshay for fyve hundrethe of rofe and nale and spykes xx s.
Item for mendeinge cheine of the olde boet and for two ponde of yren layed to yt, viii d.
The xxiii of Januri unto John Holinhirst, Raffe Holinerst, Jhon Haryson, for worke wyth boette men xii d.
In bed and drinke the same day iii d.
The xxiiii and xxv of Januari unto Raffe Holinerst, Jhon Holinerst, Jhon Haryson, for worke wyth the boet men ii s.
In bred and drinke two dayes aforesayd vi d.
The xxvi of Januari unto Raffe Holinerst, Jhon Holinerst, Jhon Harryson, for worke wythe the boet men xii d.
Item in bred and drinke iii d.
The xxvii of Januari unto Raffe Holinerst, John Holinhirst, John Harryson, for worke wythe the boetmen xii d.
In bred and drinke iii d.
Also the xxx and xxxi of Januari unto Raffe Holinerst, John Harryson, ii s.
In bred and drinke two dayes vi d.
Also unto Raffe Holinerst, Jhon Holinhirst, John Haryson, for workinge wythe the boet men the fyrst of Fabruari vi d.
The iii of Fabruari unto Raffe Holinhirst, John Holinhirst, Jhon Haryson, for workeinge wythe boetmen xii d.

In bred and drinke iii d.
The iiii of Fabruari unto Raffe Holinhirst, Jhon Holinhirst, John Haryson for worke wyth boet men vi d.
Item in bred and drinke ii d.
The vi of Fab. unto Raffe Holinerst, John Holinerst, Jhon Haryson xii d.
In bred and drinke iii d.
Also the vii of Fab. unto Raffe Holinerst, John Holinhirst, Jhon Haryson for worke with boet men xii d.
In bred and drinke iii d.
Also the viii of Fab. unto Raffe Holinerst, John Holinhirst, John Haryson xii d.
In bred and drinke iii d.

The boettes now fynisshed

The ix of Fab. for worke at the calles unto Raffe Holinerst, John Holinerst, Jhon Haryson xii d.
Unto Christofer Taleor, Rycherd Robinson, Hughe Symond xii d.
Lawrance Bycarstaffe, Adam Charule, Robert Goodfors xii d.
Wylliam Breikell iiii d.
In bred and drinke the day afore sayd x d.
The x of Fab. unto Raffe Holinerst, John Holinerst, John Haryson for worke at the calles xii d.
Unto Rycherd Buck, Roger Robbes, Rycherd Robinson xii d.
Christofer Taleor, Hughe Symond, Adam Charnle xii d.
Lawrance Bycarstaffe, Robert Goodfors, Wylliam Breckell, xii d.
In bred and drinke the same daye xii d.
The xi of Fabruari unto John Holinerst, Raffe and John Haryson for folling of foure lodes of and one lode of ryesse vi d.
Item for breade and drinke unto these iii d.
The xiii of Fab. unto John Holinerst for leding foure lodes of brandes and one lode of ryesse xx d.
In bred and drinke ii d.
The xiii of Fabruari unto Raffe Holinerst, John Holinerst, John Harryson for makeing pyles xii d.
Item in brede and drinke iii d.
The xiiii unto Raffe Holinerst, John Holinerst, John Harryson for clywinge bandes and boiles of tries for to make pyles xii d.
In brede and drinke iii d.
The xv of Fab. unto Raffe Holinerst, John Holinerst, John Haryson for dryvinge downe the toppe yord pyles and clowinges xii d.
In brede and drinke iii d.
The xvi and xvii of Fab. unto John Holinerst, Raffe Holinerst, John Haryson for makeinge pyles ii s.
In brede and drinke two dayes vi d.
The xxii and xxiii of Fab. unto John Holinerst, Raffe Holinerst, John Haryson for makeinge pyles ii d.
In brede and drinke vi d.
Unto John Holinerst for ledinge foure lodes of bandes and ryesse xvi d.

In brede and drinke i d.

The xxviii of Fab. for follinge of fyve lode of bandes and ryesse by John Holinerst, Raffe Holinerst, John Haryson xii d.

In bred and drinke iii d.

The fyrst day of Marche unto John Holinerst, Raffe Holinerst, John Harryson, for makeinge syle houkkes, wydderwythtes xii d.

In bred and drinke the day aforesaid iii d.

In bred and drinke when wey fetched four doson and a halfe of bordes from Mr. Bannesters of the Bonke unto John Holinerst, Raffe Holinerst, John Harryson, Pyter Tomson, Thomas Coke, John Walmesle, Lawrance Bycarstaffe, Robert Charnle, in bred and drinke unto them x d.

Item for two hoke steles iii d.

Item for a stone of seckto bought of Wylliam Cowper for the boet xvi d.

Item for a Hynge locke for the boet vi d.

Item for getting raddling to make a newe lock unto Robert Goodfors viii d.

The xvi of December for one milwine bought of John Buckler by the commandement of my master xiiii d.

Unto John Holinerst and Edward Diconson for goinge to Vyerre to boi bordes to be a boetlat, another tyme to Formby and Wm. Breikell wythe him, in expensis ii s. viii d.

Unto John Holinerst for his wadges iii dayes xii d.

Unto Wylliam Brekel for goinge with John to Formby, he being threi days away vi d.

Item for eight pound of hempe to mende the saine wyth all xvii d.

And for spinyng of yt vi d.

Item for a capping of Iron to the fore horne of the boet iiii d.

Item for two horse shone unto Raffe Holinerst nagge when he went to Lirpo iiii d.

The xxiiii of Aprill payed unto Robert Wrythe, Mr. Bodes man, for halfe of the tythe fysshe x s.

Unto the drayers *for proving* of the deipe iiii d.

The xviii and xix of June unto Wylliam Forshaye for mendinge an olde locke two dayes for his wadges viii d.

Item for his table at Vans Werden two dayes afore sayd ix d.

The xviii and xix of June unto theise, John Holinerst, Raffe Holinerst, John Haryson for rudding and takeing upp an olde locke and settynge the same when yt was new dressed ii s.

Item for worke as ys afore sayd, unto Wm. Breikell, Rycherd Procter, Lawrance Bycarstaffe xii d.

Hughe Symond, Robert Goodfors viii d.

Adam Charnle, Roger Robbes, Rycherd Robinson xii d.

In brede and drynke unto eleven afore sayd xi d.

The xx of June unto Raffe Holinerste, John Holinerst, Jhon Harryson for workynge at the calles wyth Wylliam Forshay mendinge an olde locke xii d.

And unto Adam Charnle, Robert Goodfors for worke at the lockes viii d.

In brede and drinke v d.

For ropes to the saine the xx of June bought of Roger Walcheman for iiii s. ii d.

For ropinge of the saine unto Raffe Holinerst, Robert Goodfors Jhon Holinerste, John Harryson in brede and drinke at Evans Werden viii d.
The xxiii of June for fluckes and sparlynges bought of Egean Barnes xiiii d.
Unto Rycherd Bucke for lasynge the saine of a hodde the xiii of June ii d.
Unto Wylliam Forshay for mendinge an old hynge locke i d.
Unto the drayers of the Saine

Unto Rycherd Bucke	*xii d.	*ii s.*
Unto Robert Goodfors	*xx d.	*iii s. iiii d.*
Unto Roger Robbes	*xx d.	*iii s. iiii d.*
Unto Rycherd Robinson	*xx d.	*iii s. iiii d.*
Unto Hughe Symonde	*xx d.	*iii s. iiii d.*

*Struck out.

Item for mendinge of the saine unto Raffe Holinerst, Robert Goodfors xii d.
The xxiiii of September unto Raffe Holinerst, John Holinerst, Jhon Harryson, for takeinge in a pece of the toppe yorde the whyche was taken owt xii d.
In brede and drinke the same day at Evans Werden iiii d.
Unto Raffe Holinerst for his wadges xiii s. iiii d.
Unto John Holinerst for his wadges xiii s. iiii d.
Unto Jhon Harryson for his wadges *xx s. Sum. iii li. iiii s. iiii d.*
Sum totall of the paiements and allowanses afforesayd amounte unto xii l. xv d. whereof to be deducted for the drawyers wadges and the of the same to be allowed by Mr. Fletewodde and me the some of xx s. vi d. whereof Mr. Fletewodde is to allow the viii parte being ii s. ob. qr. the some of xvii s. xi d. qr. more by me to be allowed.
And so upon all the sayd accompte I am to allow the some of xi li. xviii s. viii d. qr.
And by the sayd Mr. Fletewodde to be allowed only the some of ii. s. vi d. ob. qr.
Mr. Farrington is alow xii li. viii d. and Mr. Fletewod vii d.

A number of interesting entries between 1583 and 1617 appear in the *Shuttleworth Accounts* edited by John Harland (Chetham Society O.S. xxxv, xli, xliii, xlvi).

1583 March	" For fisshe at Prestone againste my brothers comynge to the Smithiles the XXiij of March as foloveth :—a salte samonde and a fresse samonde, a salte fishe and towe salte ielles ijs.
1587 March	" A mane of Mr. Farryngtones wch broughte a fresh sammde to Smythcles from his Mr. ijs. vjd."
1593 March	" Half a fresh salmon ijs.
1596 Feb.	" Two mortes vijd."
1597 Jan.	" For floukes and eght whiddelynges (whitlings) xviijd.
1598 April	" Half a fresh salmon xxijd.
,, May	" A quarter of salmon xd.
,, June	" Three mortes xd.
1617 Sept.	" A salmon fishe xviijd.
,, Oct.	" Sprodes and troutes ijs. iijd.

There are also a number of other entries of salt salmon bought at Preston.

The Editor quotes the following " Notes by a local naturalist towards the close of the seventeenth century ".

" The rivers abound with great quantities of salmon, but chiefly those into which the sea flows daily as Ribble, Lune, Wyre and Mersey ; in these are considerable numbers taken, but mostly in the Ribble and Lune . . . The young is first styled a salmon smelt, the second year a sprod, the third a mort, the fourth a forktail, the fifth a runner and the sixth a salmon."

Evidently at that date (before 1700) it was thought by some that the sprod and mort (whitling and sea-trout) filled the gap between smolts and grilse (forktails) and were not, as we now know, a distinct species (*salmo trutta*) from the salmon (*salmo salar*) while the modern practice of scale reading has enabled the age of the various classes to be determined with accuracy, so that the age of a salmon is no longer judged by its size alone.

For the benefit of the general reader it should be stated that most salmon spend two years in the river before going to sea as smolts, some return in the summer of the following year when they are known as grilse or (1 +) others come back in the second spring after their hatching and are classed as small Spring Fish or (2) others follow in the second summer and are called " small summer fish " or (2 +) and so on.

Weights are deceptive—e.g. in 1943 a sea-trout of 10½ lbs. and a grilse of 3 lbs. were recorded as being taken in the Ribble.

APPENDIX II

1750

CASE FOR COUNSEL (SIR RICHARD CLAYTON) AND HIS OPINION

RE NICHOLAS WINCKLEY'S WEIR

NICHOLAS WINCKLEY Esquire is owner of an ancient strong wear Call or fishing Garth which has been time immemorial erected across the River Ribble lying between the Townships of Brockholes and Samlesbury and of an ancient mill and fishery thereto belonging, and the said Nicholas Winckley and all other persons under whom he claims or their lessees have time immemorial exercised a right of fishing by fixing and putting two Locks with pyches and other Engines in the said Wear Call or fishing Garth and therein constantly during the fishing Seasons taken salmon fish, and have repaired and rebuilt the said wear Call or fishing Garth when and as often as the same was damaged or taken away by high floods, and have lately raised and built the same a yard higher than formerly for the advantage of the fishery only, so that all Salmon are now prevented from getting through or over the same and going up the River to spawn (except in very high floods) and are inevitably forced into the said Locks or Engines fixed in the said wear which is now raised about seven or eight feet perpendicular above the usual low water mark.

The said Mr. Winckley or his Lessees have also lately put down and fixed in the said wear Call or fishing Garth a third lock wherein they have taken Salmon as well as in the said two ancient Locks.

The said three Locks are so artfully contrived that the smallest fish are taken therein and the wear is so substantially and effectually built of Brushwood and other materials and of that height and breadth that though the River may drain or force its way through the same yet Salmon or even the fry of Salmon can by no possibility get any passage whether going up to Spawn or returning to the sea (except in very high floods)

The following Acts of Parliament are what we apprehend materially relate to the taking of Salmon fish in any River.

Only restrains the taking of Salmon from the midst of April till Midsummer

CONFIRMS the above Act and that no fisher or Garthman nor any other of what Estate or Condition that he be shall from thenceforth put in the waters of Thames etc. nor any other waters of the Realm by the said time nor in any other time of the year any nett called Stalker *nor other Nett nor Engines whatsoever they be by the which the fry or the breed of the Salmon etc.* may in any wise be taken or destroyed upon the pain in the above Act

RECITES the above two Statutes and enacts that the Justices of the peace of all the Counties of England shall be Conservators of the said Statutes in the Counties where they be Justices, and that they and every of them at

all times when they may attend shall survey the offences and defaults attempted against the Statutes aforesaid and also shall survey and search all the wears in such Rivers that they shall not be very strait for the destruction of such fry and brood but of reasonable wideness after the old assize used or accustomed, and that the said Justices or any of them which shall find default or abuse against the Statutes aforesaid shall make due punishment of them which be found in default after the content of the same Statute To appoint under Conservators to Enquire at *Sessions and imprison and fine at discretion*

2nd Hy. 6th Cap. 15

ITEM It is ordained that the standing of Nets and Engines called Trinks and all other Nets which be and were wont to be fastened and hanged continually day and night by a certain time in the year to great posts Boats and Ancres *overthwart* the Rivers of Thames and other Rivers of this Realm, which standing is a cause of as great and more destruction of the brood and fry of fish etc., and disturbance of the common passage of vessels as be the Wears Kydels or any other Engines, be wholly defended for ever—penalty £5. provided always that it shall be lawfull to the possessors of the said Trinks, if they be of assize, to fish with them in all seasonable times, drawing and pulling them by hand as other fishers do with other netts, and not fastening the said nett to posts boats and ancres continually to stand as aforesaid, saving always to every of the King's liege people their Right Title and Inheritance in their fishings in the said water . . .

1st Eliz. Cap. 17th

ENACTS that no person or persons of what estate Degree or Condition soever he or they be from and after the first day of June then next with any manner of Nett, Weele, But, Saining, Kepper, Limo, Creele, Raw, ffagne, Trolnot, Trimmel, Trimbote, Saltbote, Weblisher, Seur, Lammit, or with any other Device or Engine made of Hair wool Line or Canvas or shall use any Helingnet or Trimboat or by any other Device Engine Cawtel *ways or means* whatsoever heretofore made or devised or herafter to be made or devised shall take and kill any young brood spawn or fry of Eels Salmon pike or pickerel or of any other fish in any floodgate pipe at the Tail of a Mill, Weir or in any strait streams Brooks Rivers fresh or salt within this Realm of England nor shall from and after the first day of June then next by any of the ways and means aforesaid or otherwise in any River or place above specified take and kill any Salmon or Trout not being in season being Kipper Salmon or Kipper Trout Shedder Salmon or Shedder Trout, No person to take Salmon not being 16 inches in length. And to the intent the said young ffry brood and spawn may be preserved according to the true intent thereof It is further enacted that no manner of person or persons after the first of June then next should fish or take fish with any manner of net, Trainel, Kipe Ware, Hivic, Trele or by any other Engine Device ways or means whatsoever in any River or other places above mentioned, but only with Nett or Trainel whereof every Mesh or Mask shall *be two inches and a half broad Angling excepted* Exceptions for Engines etc. to take Smelts Leches Minnies Gudgeons and Eels. So that such person or persons using or occupying such netts or other Engines as is last aforementioned do not take kill or destroy any other fish with the said Netts or Engines contrary to the form and tenour above in the Statute contained—penalty

£20 and forfeiture of Netts etc. Conservators of Rivers to Enquire, Courts Leet to Enquire. If neglected a year at the Court Leet *Justices at Sessions and Judges of Assize may Enquire,* Saving to Conservators their Right

DECLARES the above mentioned Statute of Edward 1st *shall be in defence from taking Salmon from the Nativity* of our Lady until Saint Martin's day and that young Salmon shall not be taken or destroyed by Netts or Engines at Mill pooles from midst of April to Midsummer *and no person shall take or kill Salmon between the 30th June and 11th November* yearly —and Section the 5th Enacts that all owners of Mills shall keep open a small hatch of a foot square in the direct stream wherein no water wheel standeth sufficient for the Salmon to pass and repass from the 11th November to 31st May yearly during which Season the old Salmon and young ffry of the preceeding year retire to the Sea and the breeding Salmon come from the Sea to spawn and shall not use any Netts etc. to be placed in the said Scuttle or hatch during the said Term to kill or take any Salmon in or about the said Mill.

THE Dimensions of Netts for taking of ffish is fixed and the Clause for restraining persons from fishing for Salmon betwixt the 30th June and 11th November is repealed and by Section the 12th it is Enacted that it shall be lawfull for all proprietors and persons their Servants and Agents at any time or times from the 11th November till the first August in every year to take kill or destroy any Salmon Salmon peal or Salmon kind or offer to sale any of the said ffish so taken between the times aforesaid and they are by Section 13th restrained from taking the same from 1st August to the 12th November yearly and then Section 14th recites that *several Acts for preservation of ffishing in the Rivers Ribble Mersey etc. had proved ineffectual for want of the Encouragement of persons to detect the illegal practices* therein and by reason of the Expense—of the proceedings ffor remedy whereof and better securing the spawn ffry and young Breed of Salmon *in the said Rivers.* It is enacted that if any person or persons should at any time thereafter *lay or draw any kind of Netts Engines* or Devices or willfully do or committ or cause to be done or committed any Act whatsoever in the said Rivers or any of them *whereby the Spawn or small ffry of Salmon therein or any Kepper of Shedder Salmons or any Salmon not being 18 inches long or more should be taken killed or destroyed or should thereafter make Erect or Set any Bank Dam Hedge or Stanck Nett or Netts across the said Rivers or any part thereof whereby the Salmon therein might be taken or hindred from passing or going up the said Rivers to spawn or should at any time thereafter between last July and 12th November* yearly with any Nett Device etc. kill any Salmon or at any time after the said twelfth November then next fish with any other nett than what are allowed by Statute of 1st Elizabeth and 30th Car. 2d to forfeit £5 to be convicted before a Justice of Peace either upon view of such Justice, Confession of the offender, or oath of one witness, and to cause such Banks Dams Hedges or Stanks made or Erected in the said Rivers to be Demolished and removed at the Expense of the Offenders, prosecution to be within a Month after the Offence—And there is an appeal given to the Quarter Sessions—and Section the 18th there is a provisoe that this Act or anything therein contained should not Extend to any antient

Wears or Locks but that the proprietors thereof might repair maintain rebuild remove or take down the same as they might have done if this Act had not been made

23rd George 2nd Cap. 26th 1750

AFTER reciting the last mentioned Statutes and that the restraint from taking Salmon between the last of July and 12th November had been inconvenient as to the River Ribble by reason that the time for restraining the taking of ffish therein is not properly adapted to the ffishing Season there so as to answer the intention of the said Act It is Enacted that it shall be lawfull for the Owners of ffisheries in that River their Lessees and Tenants betwixt the first January and 15th September yearly to take and kill by any lawful ways or means any Salmon Salmon peal or Salmon kind in their respective ffisheries within the said River and to sell the same with a provisoe that all the Clauses in the Statute of first George 1st (Save the alteration made in the times of taking and being restrained from taking Salmon in Ribble) should remain in force

See all these Statutes at large

THE said Mr. W. and his Tenants of the said Mill Caul and ffishery pretend that they are not restrained by any of the above Acts from placing or Setting Locks or Engines in the said antient Wear or Caul for taking Salmon or other ffish within the time limitted by the Act of 23rd George 2nd That on the contrary by the provisoe in the Act of 1st George 1st (which except antient Locks and Wears) they are expressly excepted out of the said last mentioned Act and at Liberty to put down in the said Wear such kind of Engines for taking of ffish as they think proper

ON the other hand it is insisted that the provisoe in the above Act of 1st George 1st only extends to Locks and Wears placed in Rivers to make them navigable or to convey water to Mills and neither gives nor confirms an unlimitted right of ffishery and that the said Mr. W. or his Tenants are as much restrained by the said Act from putting down Locks or Engines in the said Wear for taking ffish as if there had been no such provisoe As that provisoe impowers the proprietors to repair rebuild remove or take down the said Wears or Locks etc but does not give any power to place Locks or Engines in the said Wears to take ffish for this is an effectual method to prevent Salmon from going up to spawn and seems to be expressly contrary to the Intention of the said Act Whereas if the said provisoe is only intended to prevent the destruction of Navigation and for the convenience of Mills by taking down their Locks Wears as reason may require which by the general words in the former part of the Act they seem to be restrained from, if they prevented Salmon going up to spawn the whole is consistent

N.B. In all Acts for making Rivers navigable we find the word Locks made use of but not many of the Acts relating to ffishing

AND the Engines to take ffish termed Locks in Lancashire go by different appellations in different counties

Query 1st

BE PLEASED to consider the above Statute of 1st George 1st. Does the provisoe there extend to the Wear and Locks in Question any further than to preserve the Wear for the support and convenience of the Mill ? and are not the said Mr. W. or his Tenants subject to the penalties contained in that Act for making use of the said two old Locks to take Salmon and for putting down and fixing a third new Lock in the said Wear for the same

purpose ? And if so will any action or information lye in the Kings Bench against the offenders for the same or can any other prosecution be commenced but what is prescribed by the said Statute ? as it may be difficult to prevail upon a Justice of the peace to convict the Offenders

I am of opinion Mr. W. or Tenants can't be convicted upon ye Statute 1st George 1st C. 18 for erecting a Bank Dam or Hedge or Stank across ye River, for ye Wear and two Locks being ancient ones at ye time of making ye Statutes are fully within ye proviso of ye Statute But if Mr. W. or his Tenants kills or destroys any small Fry or Spawn of Salmon or any Kepper or Shedder Salmon or any Salmon not being eighteen inches either in ye old locks or ye new Lock ; I conceive he or they will be liable to be convicted before a Justice of peace for such an offence and to pay ye penalty of £5, and that it is not within ye meaning of ye last proviso of that Act so as to exempt them from that penalty. For by ye former part of ye Statute the taking of such Fry and Salmon is absolutely prohibited and there is a penalty for placing dams etc. across ye rivers and they may be removed ; thus ye Proviso is that it should not extend to ancient wears and Locks but that ye same may be repaired etc. ; which can't be extended to Locks made use of for ye destruction of Fry or Salmon or Salmon under eighteen inches but to other Locks for ye benefit of navigation. But supposing ye words should be taken in ye most extensive sense, yet ye proviso does not give liberty to kill ye Fry or Salmon under eighteen inches but only gives the proprietor liberty to repair etc., such Locks and they still remain liable to ye penalty for destroying the Fry or Salmon under eighteen inches. But I conceive ye Act of Parliament having created this offence and directed ye penalty to be recovered in a summary way, no other prosecution can be supported upon that Statute

SUPPOSING that the said Mr. W. or his Tenants are not subject to any prosecution or Penalty for putting down the said Locks or Engines to take Salmon in the said Wear within the Statute of 1st George 1st can they be restrained from so doing under and by virtue of any other of the above said Statutes—it being intended if possible to deprive them wholly of putting down Locks and Engines in the said Wear to take Salmon and is the raising of the said Wear near a yeard above the usual and common heighth of it an offence for which they can be prosecuted as it is done solely to prevent Salmon and other ffish from going up the River and to force them into the Locks for the benefit of the Fishery ?

The Statute 1 Elizabeth C. 17 sec. 2 directs that no salmon should be taken less than 16 inches, and sec. 3 saies that to ye intent that ye young Fry Brood or spawns of Fish may be preserved, no person shall take any Fish in any River except with nets or Tramels whereof every mesh or mash should be two inches and a half broad, angling excepted, and also some sorts of Fish are excepted in ye proviso immediately after, but salmon are not, and by sec. ye 5th. there is a penalty of £20 for every offence done contrary to that act of parliament—so that taking of any Salmon in Locks or wears is contrary to that Statute, and the parties are liable to ye penalties therein mentioned. But there seem to be difficulties with regard to carrying this act into execution. By sec. 6, power is given to ye Admirals of England,

ye Mayor of London, and to all persons entitled to ye conservancy of Rivers to put ye act in execution by ye oaths of 12 men ; by sec. 8, these offences are made enquir-able in ye Leet, and by sec. 11 if the offences are not prosecuted within a year in ye Leet then the Justices of peace in their sessions, Justices of oyer and terminer, and Justices of assize have cognizance, so that after a year is expired, and there is no prosecution in ye Leet, the penalty may be recovered before ye Justices of Assize etc., by indictment, and as to ye forfeitures and penalties, I conceive if ye conviction is before ye admiral, Mayor of London, or others entitled to ye conservancy of Rivers, ye penalties will belong to them, if at ye Leet, then they belong to ye Lord ; but if at the Assizes ye penalties remain to be undisposed of and if so, they will belong to ye Crown.

R. CLAYTON
Temple, 21st December, 1756.

N.B.—The words printed in italics in the foregoing document are those underlined in the original, presumably by Sir Richard Clayton.

APPENDIX III

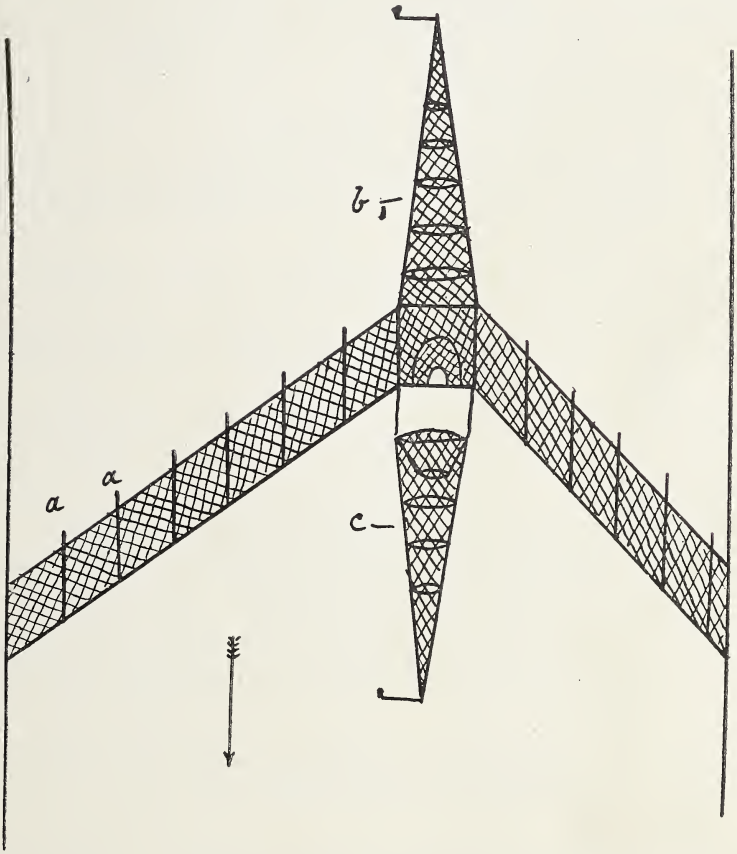
SKETCH of stake net in use on Ribble by Brewer, *circa* 1756. (See p. 45.)

(This sketch is taken from one of two originals among the Winckley papers at Preston Guild Hall and is here reproduced with the accompanying description by courtesy of the Corporation of Preston: The downstream "cod end" is in pencil on the original, which is also marked in pencil "Mr. Bonney, lang shoot" and "Gibson and Winckley 1 Hare Court.")

aa—Large posts twelve foot long which are driven into the ground very forcibly about four foot and a half distant from each other, and at low water stand about six foot and a half above the surface of the river, to which strong nets, called stop-nets or scare-nets are fastened in the following manner, viz. : the net being fastened at the top and bottom, the whole length, to two strong ropes, the top rope is again tyed with cords at the top of smaller posts or stakes answering to the same Number and Distance from each other as the large Posts, and the bottom rope is tyed about six inches from the foot of each of the said Stakes, the Points whereof are sharpened or shod with iron ; and when they set the nets each of these smaller stakes is driven into the Ground as far as the tying of the Rope will allow, close to the foot of the large posts, and tyed to them against the tops ; by this means the nets are fixed so close to the bottom of the River that no fish can pass under or over, and may be taken out and set in the River at Pleasure, any time when the water does not swell over the top of the large posts ; which rarely happens in moderate weather, so that they frequently stand six weeks or more in the river without being removed.

b—A Hoop or Bow Net in which the Salmon attempting to go up the River are caught, the point of this net is tyed like a purse with a cord, and is fastened to a post by a Noose of a Rope which easily slides up or down, so that pulling up the Point of the net with a Hook from the bottom of the River and loosing the cord they can at Pleasure take out the salmon without any ways disturbing the stop nets or giving any liberty to the salmon to pass and opposite to this Bow net below the Stop net is placed another Bow net (*c*) leaving a small space on each side, between the mouth of it and the stop net, for the Salmon to pass in between the two Nets ; so that such as attempting to go up the River and do not find the way into the Higher Bow Net are in returning generally caught in the lower.

N.B.—For the setting of these Nets they always choose a broad, shallow part of the River, with a smooth sandy or Gravelly Bottom, and the Angle of the Net always Points up the stream and before they are obliged to take these nets out the River must be swelld' with Rain near six foot, perpendicular, which in Temperate weather does not happen in the space of six weeks or more.



A plan of Nets and method of Fishing in the River Ribble.

APPENDIX IV

CALENDAR OF DOCUMENTS, ETC

SOURCES EXAMINED

Part I

Calendar of Documents in Date Order.[1]

P.R.O. = Public Record Office.
C.R.O. = Lancashire County Record Office.
W.D. = Winckley Deeds (Preston Corporation).
F.B. = Ribble Board of Conservators—Clerk's Office.
M.C.L. = Central Library—Manchester.
B.S.N. = Muniments of John Hornby's Charity at the Blue Coat School, Newton-with-Scales.

Anno Domini

Lytham Chartulary (unpublished) Farrer MSS. Manchester Central Library.

1260 Lease for 7 years at half a mark, ⅓ of Fishery at Hoton, Robert, son of Helye of Hoton to Robert, son of Geoffrey of Longeton. C.R.O., DDN. 2.

1330 Grant by Roger of Mowbray to Jervaulx Abbey of land, etc., towns, territories and pastures of Horton in Ribblesdale. P.R.O. Charter Rolls, vol. 14.

1371 Lease for 16 years at rent of a rose, Ralph of Freckleton to John the Botiller of Marton, of the Fishery of Freckleton. B.S.N.

1534 March 6. Commission of Enquiry addressed to Henry Faryngton "Squier", Steward of Lordship of Penwortham, and others, to enquire as to rights of ferry and fishing. C.R.O., DDF. 889.

1535 October 2. Lease for 16 years at £6 rent by Mayor and Bailiffs of Preston to Sir Henry Faryngton of the Corporation Fishery "with the Fyssh yardes and the lockes perteyning to theym". C.R.O., DDF. 2410.

1546 Grant to Lawrence Rawstorne of Old Wynsour, Berks, for £560 (*inter alia*) fishery in Hooton. C.R.O., DDX. 43/1.

1547 Aug. 12. Similar lease (as in 1535) for 39 years at £6 rent. C.R.O., DDF. 2414.

1549 July 28. Conditional Assignment in trust to uses. Sir Henry Faryngton to John Crane: Fishing in waters of Ribble, fyshhe yarde and locks, demised for 39 years at £5 a year by Preston Corporation. C.R.O., DDF. 890 and 891.

1552/3 Mar. 6. Indenture between Sir Ric. Houghton and John ffletewoode Esq., as to mode of fishing. C.R.O., DDHo, M/683.[2]

[1] Excluding references in § 1, "The Ribble Fisheries in the Monastic ages".
[2] Record Society, *de Hoghton Deeds*, No. 201, 6 Ed VI.

1555 August 20. Lease for 20 years at rent of a red rose for 42 shillings by John Langton of Hoton Yeoman and Richard his son and heir to Johanne widow of Robert Faryngton Gent. of fishing in River Ryble or elsewhere in Lordship of Hutton. C.R.O., DDF. 892.

1559 Nov. 3. Conveyance. Thomas Langton Kt. Baron of Newton to Thomas Stanley and others, mentions free fisheries in the waters of Darwen and Rybbell in Walton, Fyshwicke and Preston-in-Amounderness. Patent Rolls. 1 Eliz. P. vi., 77.

1564 Recovery. Houghton to Skyllycorne, Free Fishery in Ryble in Warton and Newton with Scales, and Final Concord (1606). C.R.O., DX. 659, 666.

1575 Oct. 6. Similar lease for 39 years to Wm. Farington of the Corporation Fishery " with the Fyssh yardes and the lockes perteyning to theym ". C.R.O., DDF. 2427.

1580 Special Commission for reformation of all such wears and gorses as lately have been erected on any river in Lancs. Mentions " Bessowe call erected about 18 years ago. M.C.L. Farrer MSS. 1214.

1614/5 Feb. 20. Lease by Corporation of Preston to Henry Farington of Wereden Esq. of all those fishings and fishing places in Rible, franchises liberties fishyards cawles weares and locks etc., 39 years at rent of £6 in consideration of £13 6s. od. C.R.O., DDF. 893.

1621 List of fishers at Longton Water and Hutton Water. C.R.O., DDF. 894.

1652 Certificate by Mayor of Preston that W. Farington and his ancestors have had a license of the moiety of the fishery for over a century. C.R.O., DDF. 2433.

1653 Aug. 18. Bargain and Sale whereby William Farington of Worden bought from certain citizens of London appointed to dispose of the Manors etc., granted by the late King Charles to Edward Ditchfield, late citizen and salter of London decd. for £650 the Manor or Lordship of Penwortham including all streams banks rivers waters fisherys etc., in fee farm for ever (quoted in draft Case for Counsel 1789).

1674 July 18. Commission of Sewers etc., Co. Lancs. C.R.O., CSV. 1.

1674/5 Feb. 5. Depositions of inhabitants of Hutton Longton and Warton as to Clifton and Lea Fisheries. C.R.O., DDCl 574–5.

1678/9 Feb. 14. Preston Corporation to H. Farington. Lease of fishery etc., 21 years at £12. C.R.O., DDF. 895.

1678 Nov. 7. Order of Commissioners to demolish fish caules at Brockhall. C.R.O., CSV. 2.

1679 May. do. do. to demolish weir at Bessow. C.R.O., CSV. 3.

1686/7 Jan. 19. Agreement. Sir Charles Hoghton to Critchley and others for 3 years liberty to fish. C.R.O., DDF. 928.

1679 May 29. Copy Order of Commissioners of Sewers re Brockhall Weir. W.D.

1685 Sundry deeds and papers. W.D.

1693 Acknowledgment of custom of fishing re Penwortham and Hoghton. C.R.O., DDF. 929.

1696 Petition by T. Winckley to Commissioners re Brockhall weir. W.D.

1697/8 Feb. 3. Letter. Assheton to Mayor of Preston as to proposed Bill. W.D.

1692 Papers in a Suit. Sir Charles Hoghton and Wm. Farington as to Fishery, and deed settling mode of fishing 21 March, 1693/4. C.R.O., DDF. 896–903.

1714 Sep. 9. Lease. Clifton to William Rawstorne of Clifton Fishery at 27*s.* rent. C.R.O., DDCl 576.

1715 Opinion of N. Starkie re Fleetwood's right. C.R.O., DDF. 930.

1716/7 Mar. 8. Agreement William Farington of Worden and Henry Fleetwood of Penwortham as to Through Draught. C.R.O., DDF. 904–5.

1717 Register of Estate of Lord Molyneux. C R.O., QDP/1/3.

1718 Oct. 1. Abstract of lease Viscount Molyneux to R. P. Lancaster, Coppull, to catch fish, etc., at Fishwick. C.R.O., DDF. 906.

1719/20 Feb. 16. Deed of covenant to levy a fine in respect of a messuage and 4 acres in Longton " with the portions of fishery in the water of Ribble commonly called eight oxendoles or anghendoles of fishing." Between Richard Whittle of Longton Yeoman and Thomas Barnett of Westminster Innkeeper and Margaret his wife, daughter and heiress of Henry Birchall of Fishwick Yeoman deceased. C.R.O., DDX. 49/23.

1720, 1741, 1761 Leases for 20 years. Preston Corporation to George Farington. C.R.O., DDF. 907, 908, 913.

1732 Copy Memo. as to big haul at Penwortham sent by Musgrave of Edenhall to L. Rawstorne. F.B.

1735 Lease. Geo. Farington to John Wilkinson Rent £50—Sturgeon reserved. F.B.

1739 Dec. 9. Lease. Clifton to Edward Rawstorne of Clifton Fishery for 10 years at 35*s.* C.R.O., DDCl 577 and 578.

1742 Assignment. James Noblet to William his father (*inter alia*) ½ the follow of fishing upon Warton Sands. C.R.O., DDD. 69.

1744 Lease. Farington to John Lavague. DDF. 947.

1745 Counterpart Lease of Brockholes fishery. Winckley to Wilkinson. W.D.

1746 Nov. 1. Lease by Walter Chetwynd of Grendon of free fishery belonging to his Manor of Howick and share of Penwortham fishery, also tithe of fish and liberty to set stakes and nets. C.R.O., DDF. 909.

1750 Lease. Sir Henry Hoghton to W. Farington of free fishery in R. Ribble in Walton-le-Dale and Fishwick—one-third of fishery adjoining Walton Mains also free fishery in Ashton-on-Ribble and Lea. To provide 1 good fishing boat and 2 sets of stakes at end of term. C.R.O., DDF. 910–11.

1751 Sep. 30. Lease. Clifton to Lawrence Rawstorne 21 years two guineas. C.R.O., DDCl 577.

1750 Draft Agreement. Sir H. Hoghton and W. Farington re Ashton and Penwortham Fisheries. C.R.O., DDF. 932.

1750 Case for Counsel as to Nicholas Winckley's Weir and Opinion of Sir Richard Clayton. F.B.

1754 Nov. 28. Lease of Brockholes Fishery, Winckley to Lavague. W.D.
1755 Case and Opinion of Nicholas Fazackerley. C.R.O., DDF. 944–45.
1755 Case against Brockhall Weir. C.R.O., DDF. 946.
1756 Jan. 27. Copy Petition of Clifton, Rawstorne and Others. W.D.
1757 March 11. Indenture tripartite. Hoghton—Farington—Rawstorne, as to Lea and Hutton Fisheries ; the parties agreeing to fish by setting baulks, stakes and piles overcross the whole river and fasten nets thereto, each side to fish alternate days sunset to sunrise. C.R.O., DDF. 912.
1760 Miscellaneous papers re Ribble Fisheries. W.D.
1766 Letter, N. Starkie to Sir William Farington as to giving notice to fish the " through draught ". C.R.O., DDF. 914.
1768 Sep. 22. Proposals and conditions of letting of Holme fishery. C.R.O., DDF. 915.
1770 Memo as to Fishery at Warton. C.R.O., DDF. 916.
1771 Acknowledgment by Henry Wiggan of Mr. Farington's right. F.B.
1773 Henry Norris. Objections to landing on his property. C.R.O., DDF. 917.
1776 Will of William Nixon of Warton, yeo : mentions " ½ follow of fishing at Warton ". C.R.O., DDD. 85.
1784 Mar. 9. Agreement. Shorrock, Winckley and Lavague as to repair of Brockholes Caul. W.D.
1793 Bond. Barton and Winckley. W.D.
1801 Letter as to John Watson's alleged right of fishing. C.R.O., DDF. 918–9.
Memo re locks and weirs. C.R.O., DDF. 920.
Letter from Richd. Shepherd, Mayor of Preston as to Fishery. C.R.O., DDF. 921.
1802 Lease of Penwortham Fishery. William Farington to John Richardson and others. F.B.
1802 Examination of Witnesses as to Westfield draught. F.B.
1806 Letter from W. Farington consenting to let Fishery to Barton reserving Sturgeon. F.B.
1806 Papers in case Weld *v.* Hornby re Brockholes weir. W.D. 7 East 195.
1820 Draft Case for Counsel as to Penwortham Fishery. F.B.
1824 Examination of Geoffrey Eastham stating that his father farmed the fishery about 1760 and as to the through draught. F.B.
1830 Handbill offering fisheries in Fishwick, Walton-le-Dale, Lea and Ashton, also the Farington Fisheries in Walton, Penwortham, Hutton and Howick. F.B.
1832 Appointment of Hugh Cross as Gamekeeper. F.B.
1718–1812 Sundry papers. C.R.O., DDF. 922–927.
1819–1846 Papers as to sale of Moiety of Manor of Newton and fishery in Ribble. C.R.O., DDA. 146–8.
1841 Draft Lease Farington to Melling. F.B.
1851 Conveyance of Moiety of Manor of Newton and fishery in Ribble. C.R.O., DDA. 151.

1872 Nov. 29. Lease for 3 years at £2 2*s.* 0*d.* rent. John Clifton of Lytham to John Paley of Preston of the Clifton Fishery. C.R.O., DDCl 579a.

1931 Historical note as to Stonyhurst fisheries prepared by Messrs. McKenna & Co. F.B.

Part II

Statutes.

(See The Statutes at Large)

1225 Magna Carta. 9 Hen. III, c. 16.

1285 Statute of Westminster the Second. 13 Ed. I; St. I, c. 17 (restrains taking salmon between mid-April and Midsummer).

1390 Statute confirming above and restraining taking of salmon fry. (Mentions "netts called Stalker".) 13 Ric. II, c. 19.

1393 Statute appointing Justices Conservators to survey weirs. 17 Ric. II, c. 7.

1423 Statute against "fixed engines". 2 Hen. VI, c. 15.

1559 Statute forbidding destruction of fry and fixing minimum mesh at 2½ inches. "Angling excepted." 1 Eliz. c. 17.

1605 Statute regulating nets in Estuarys. 3 Jac. I, c. 12.

1706 Statute requiring hatches in weirs to be open from 11 Nov. to 31 May. 4 and 5 Anne, c. 21.

1714 Statute forbidding dams on Ribble, Mersey, etc., and fixing close time at 1 Aug. to 12 Nov. 1 Geo. I, c. 18.

1750 Statute altering close time on Ribble from above dates to 15 Sep. to 1 Jan. 23 Geo. II, c. 26.

Part III

Reported Cases

1806 Weld *v.* Hornby . . . 7 East, 195.
1867 Rawstorne *v.* Backhouse . L.T.R. XVII, 441.
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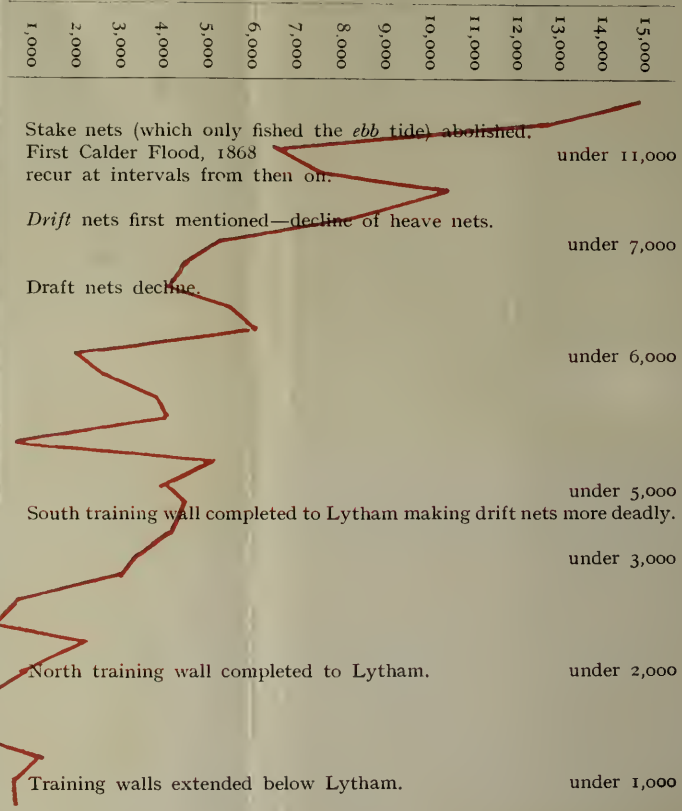
APPENDIX V

RIBBLE SALMON 1867–1900

(These figures have been supplied by the Ministry of Agriculture and Fisheries.)

Year	Nets Fishing			Salmon Caught			Resultant Graph
	Draft	Drift	Heave	Nets	Rods	Total	
1867	—	—	—	15,000	100	15,100	
1868	24	—	83	12,900	20	12,920	Stake nets (which only fished the *ebb* tide) abolished.
1869	24	—	64	6,685	167	6,852	First Calder Flood, 1868
1870	37	—	63	7,650	125	7,775	recur at intervals from then on.
1871	46	—	71	10,412	202	10,614	
1872	22	27	18	8,180	195	8,375	*Drift* nets first mentioned—decline of heave nets.
1873	52	2 jacks	7	5,140	374	5,514	
1874	27	17	14	4,542	199	4,741	
1875	17	28	14	4,156	98	4,254	Draft nets decline.
1876	7	31	20	5,571	105	5,676	
1877	11	29	24	6,050	141	6,191	
1878	14	31	19	2,074	72	2,146	
1879	10	29	7	2,619	186	2,805	
1880	7	27	3	3,952	39	3,991	
1881	4	23	4	4,031	71	4,102	
1882	1	28	3	891	96	987	
1883	5	14	4	4,833	314	5,147	
1884	7	27	10	4,034	20	4,054	
1885	3	32	5	4,160	163	4,323	South training wall completed to Lytham making drift nets more deadly.
1886	3	30	10	3,905	146	4,051	
1887*	22	8	—	2,372	71	2,443	
1888	3	16	8	1,978	39	2,017	
1889	2	21	5	829	54	883	
1890	1	8	—	228	103	331	
1891	—	12	1	2,042	203	2,245	
1892	2	15	1	814	112	926	North training wall completed to Lytham.
1893	—	8	—	180	14	194	
1894	1	5	—	175	9	184	
1895	—	5	2	170	43	213	
1896	—	13	—	1,200	57	1,257	
1897	—	16	1	470	58	528	Training walls extended below Lytham.
1898*	14	—	1	660	118	778	
1899	—	15	—	—	—	—	
1900	—	7	—	34	—	34	

Sea-trout included



NOTE how each peak year is followed by an *increase* in *nets* and *decrease* in *fish* taken.

* In 1887 and 1898 I strongly suspect that the Draft and Drift figures have got transposed.

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A NEW PEDIGREE OF BRADSHAIGH OF HAIGH.
Compiled by Arthur J. Hawkes, F.S.A.,
from documentary sources, published
and unpublished, 1944.

NORRIS–BRADSHAIGH–LINDSAY
1144–1944

NORRIS BRADSHAIGH

Hugh le Norreys of the Haghe = Received also the grant of Blackrod from John, Count of Mortain, *c.* 1188; d. 1222 or 1223.

Hugh le Norreys, s. and h. = lord of Haghe and Blackrod; succ. hy his hro. Alan. — *s.p.*

Alan le Norreys = lord of Haghe and Blackrod.

Hugh le Norreys, s. and h. = lord of Haghe and Blackrod in 1277 to 1283; d. prob. before 1290.

Robert Alan Emma

Richard de Bradshawe or Bradshaghe = of Westleigh; possibly younger s. of Ughtred de Bradshawe, lord of Bradshaw in 1253 *; became guardian to Mahel le Norreys in or soon after 1290. (* See note at foot.)

(5) Henry.
(4) William.

Mabel le Norreys, dau. and sole h. = (before 1295) b. *c.* 1275; d. 1348. (See T. C. Porteus, "The Mabs Cross Legend" in *Trans. Lancs. & Ches. Antiq. Soc.*, v. 55, pp. 1–40.) Settled Haigh on her husband's nep. William de B. and Blackrod on her husband's bro. Roger de Bradshaghe. — *s.p.s.*

(2) William de Bradshaghe, afterwards Knt. and M.P.; h. *c.* 1275; slain at Newton le Willows 16 Aug. 1333 (see work of Porteus cited under Dame Mahel).

(1) John de B. = of Westleigh; ? d. before 1337.

(3) Alice = 1st wife living 1337.

Roger de B. = Margaret, 2nd wife, living a wid. 1400.

(2) William de Bradshaghe = inherited Haigh about 1348 hy demise from Dame Mahel; d. 29 Dec. 1380; Inq. P.M. 13 Mar. 1380/1. (See note at foot.)

Isabel ..... ; living a wid. in 1397/8.

(1) Richard de Brahshaghe = succ. to Westleigh

(3) Robert de B.

Sir Richard de Kighley = Knt.; d. before 1367.

Mahel, a wid. in 1367.

Hugh d. *c.* 1383

Margaret Verdon, a wid. in 1400.

Several daus. including Cecilia who marr. 1359 Ralph de Standish of Standish who d. 1415/16.

Sir Thomas de Bradsbaghe = Knt., s. and b., aged 12 in 1381; was living in 1425 but died soon after.

Margaret, dau. of Robert de Highfield.

William de B; held Haigh during Sir Thomas's outlawry 1403–4.

Richard de B.; living at Haigh 1429.

Sir William de Bradsbaghe = lord of Blackrod; under age in 1385; d. 1415.

Joan .....

Elizabeth, dau. and sole h. = Sir Richard Harrington, who inherited Blackrod hy right of his wife; d. 1467.

James de Bradshaghe = s. and h.; b. *c.* 1394; d. 1442.

(1415) Alice, dau. of Sir Richard Prescot.

Alice = Sir John St. John of Bletso, ancestor of the Barons of St. John and the Earls of Bolingbroke.

Christopher Gilbert Ivo = ...

Richard Thomas. (All living 1443.)

Agnes = William Risley of Littlestone Lovell, Bucks; d. 11 May, 1513.

William Bradshaghe = s. and h.; aged 23 in 1442; d. in or before 1477.

Agnes, dau. of John Gerard of Ince. (Dispensation for the marriage was granted in 1437.) Agnes was living a wid. in 1477; she is described in Standish Deed No. 165 (1477) as *Dame* Agnes.

Other issue
A dau. marr. (? 1438) Robert Rae, s. of Richard Rae, Clerk of the Peace (1413) of Kidderminster

William Bradshaghe, 5th (?) s. = known as Wm. Bradschawe; settled at Wendover, Bucks.; d. 4 Oct. 1537.

(*c.* 1475) Alice, dau. and coh. of Thomas Gurney of Halton, Bucks, who d. *c.* 1480. She d. *c.* 1553.

James Bradshaghe = s. and h.; b. *c.* 1442; d. May

(*c.* 1465) Joan, dau. of Alexander Standish, Esq. (? of Standish)—see Final Concord 2 Aug. 1477.

Thomas B. Alexander B.

Henry Bradshawe, Attorney-General to Henry VIII and mentioned in the King's will;

Eight other children.

(1) Roger, d. young.

(2) William, d. young.

(3) Sir Roger Bradshaigh, eldest surv. s. and h.; h. 13 Jan. 1627/8; app. D.L. 1660; knighted 18 June 1660; M.P. for Lancs. 1660–78; adm. to Gray's Inn 1673; High Sheriff of Lancs. 1679; cr. a baronet 16 Nov. 1679; Mayor of Wigan 1661 and 1681; d. 31 March 1684; hur. at Wigan 4 Apr. 1684. = (1647) Elizabeth, dau. of William Pennington of Muncaster, co. Cumberland; d. 13 Apr. 1695; hur. at Wigan 18 Apr.

Anne, d. young.
Eleanor, a nun at Gravelines.

Anne = Surv. her husband. — (1649) Thomas Culcheth of Culcheth; b. 1628; d. 1683/4.

Sir Roger Bradshaigh = 2nd Bart.; s. and h.; h. 1649; knighted 8 Mar. 1678/9; M.P. for Wigan 1679 and for Lancs. 1685–6; Mayor of Wigan 1679 and 1684; d. 16 June 1686, aged 37; hur. at Wigan 21 June 1686.

(8 Apr. 1673) Mary, dau. and coh. of Henry Murray, Groom of the Bedchamber, by his w. Anne Viscountess Bayning; d. 1 Dec. 1733.

William Bradshaigh, d. young.

James, d. young.

Richard, d. young.

Anne and Catherine, hotb d. young.

Elizabeth = Thomas Preston of Holker, M.P. d. 31 Jan. 1696/7; h. 1647; previously marr. to Mary Dowding (d. *s.p.*).

Catherine, sole dau. and h. = h. 1675; touched for the King's Evil, 1681; d. 12 Mar. 1700.

Sir William Lowther of Marske, Yorks h. *c.* 1670; d. Apr 1705.

Sir Roger Bradshaigh = 3rd Bart.; s. and h.; h. 1675; bap. 29 Apr.; M.P. for Wigan 1695 to 1747; Col. of a reg. of Foot; Mayor of Wigan 1698, 1705, 1719, 1724 and 1729; d. 25 Feh. 1746/7.

Rachel, dau. of Sir Henry Guise, 2nd Bart., of Elmore, Glos.; marr. 22 June 1697; d. 12 Sept. 1743.

Henry Bradshaigh, h. 1676; M.P. for Wigan 1708–13; Mayor of Wigan 1709; went to West Indies and d. tbere 1713.

James Bradshaigh, bap. 9 July; d. young.

William Bradshaigh, bap. 8 May 1679; Mayor of Wigan, 1712; d. and hur. at Wigan 16 Mar. 1724/5.
Richard, bap. 25 Mar. 1681; d. young.

Thomas = Bradshaigh Rector of Stratford.

Mary, dau. and h. of Robert Stephens of Ardley Weck.

Anne, d. young.
Elizaheth, marr.
(1) Joh Yates
(2) Gahriel, Marquis de Quesne.

Sir Roger Bradshaigh = 4tb Bart.; s. and h.; b. 13 Aug. (bap. 29 Aug.) 1699; bur. at Wigan 3 Oct. 1770; will pr. at Chester 1779; dying without issue the baronetcy became extinct; succ. hy his grand-niece Elizaheth Bradshaigh Dalrymple. — *s.p.*

(8 Apr. 1731) Dorothy, dau. and coh. of William Bellingbam of Levens, co. Westmorland; h. about 1705; friend of Samuel Richardson the novelist; d. Aug. 1785.

Elizaheth Bradshaigh, b. 29 June 1698; d. 24 June 1735, aged 37. = (8 Apr. 1731) John Edwin, 4th s. of Sir Humphrey Edwin, Lord Mayor of London 1697.

Rachel Bradshaigh h. 17 June (bap. 30 June) 1701; d. young.

Charles, h. 1 June 1702; Major in the Guards; Gentleman-Usher to Princess Amelia; d. unmarr. before 1769.
John, h. 27 Sept. 1713; naval officer; d. young in America.
Richard, h. ?1715; Page to Queen Caroline; d. unmarr. *c.* 1745.

Elizaheth Edwin = sole dau. and h.; b. *c.* 1732; marr. 29 Sept. 1758; d. before 1770. = (1758) Charles Dalrymple = (2nd w.)..... of North Berwick.

Alexander Lindsay, 6th Earl of Balcarres and 23rd Earl of Crawford; h. 18 Jan. 1750; Gen. in the Army; Col. of the 63rd Regiment; d. 27 Mar. 1825; hur. at Wigan. On returning from America in 1802 he took up his residence at Haigh, making it his home, he having sold Balcarres to bis younger hrother. = Elizaheth Bradshaigh Dalrymple, sole dau. and h.; *c.* 1760; marr. 1 June 1780; d. 10 Aug. 1816; hur. Wigan; her mother and grandmother having died before 1770 she inherited Haigh on the death of her great-uncle, Sir Roger Bradshaigh, the 4th Bar., 28 Sept. 1770. The Haigh estate thus passed to the family of Lindsay.

James Lindsay, 24th Earl of Crawford and 7th Earl of Balcarres, of Haigh; b. 24 Apr. 1783; cr. Baron Wigan of Haigh Hall in the peerage of the U.K. hy patent dated 5 July 1826; d. 15 Dec. 1869. = (21 Nov. 1811) Hon. Maria Margaret Frances Pennington, only surv. child of John, 1st Lord Muncaster, through whom was inher. the Muncaster estates; h. Apr. 1783; d. 8 Nov. 1850; hur. at Wigan.

Charles Robert, b. 20 Aug. 1781; collector of customs at Agra; marr. 12 Feb. 1814 Elizaheth (d. 8 Nov. 1852) dau. of Thos. Wm. Thompson; d. 4 July 1835; 1 s., 5 daus.
Richard, h. 9 Mar. 1786; d. young.
Edwin, his twin hro.; d. *s.p.*
Elizaheth Keith; marr. 18 Dec. 1815 R. E. Heathcote of Loughton Hall; d. 1825, leaving issue.
Anne; marr. 16 Apr. 1811 R. W. Ramsay (d. 1837) of Balgarvie; d. 14 Jan. 1846, leaving issue.

Alexander William Crawford Lindsay, 25th Earl of Crawford and 8th Earl of Balcarres, 33rd Lord Lindsay of Crawford, 2nd Baron Wigan; claimed the original Dukedom of Montrose; h. at Muncaster Castle 16 Oct. 1812; historian of bis house and author of works on religion, philosophy, and art; "One of the most accomplished and learned men of his time"; d. at Florence 13 Dec. 1880. = (23 July 1846) Margaret, eld. dau. of Lt.-Gen. James Lindsay of Balcarres, his cousin; b. 31 Dec. 1824; d. 28 Dec. 1909. Her father was M.P. for Wigan 1825–31.

Sir James Lindsay = K.C.M.G., Lt.-Gen.; b. 25 Aug. 1815; M.P. for Wigan 1845–57 and 1859–66; d. 13 Aug. 1874. = (6 Nov. 1845) Lady Sarah Elizaheth Saville, Woman of the Bedchamher to Q. Victoria; only dau. of John, 3rd Earl of Mexboro'; d. 16 Dec. 1890.

Charles Hugh Lindsay h. 11 Nov. 1816; M.P.; C.B.; Lt.-Col.; Parl. Groom in Waiting to the Q.; d. 25 Mar. 1889. = (1851) Emilie Anne, dau. of Very Rev. Hy. M. Browne; d. 15 Feh. 1873.

Colin Lindsay h. 6 Dec. 1819; d. 28 Jan. 1892. = (29 July 1845) Lady Frances Howard, eldest dau. and coh. of William, 4th Earl of Wicklow; d. 20 Aug. 1897.

William Bradshaghe = Agnes, dau. of John Gerard of Ince. (Dispensation for the marriage was granted in 1437.) Agnes was living a wid. in 1477; she is described in Standish Deed No. 165 (1477) as *Dame* Agnes.

Other issue
A dau. marr. (? 1438) Robert Rae, s. of Richard Rae, Clerk of the Peace (1413) of Kidderminster

Agnes = William Risley of Littlestone Lovell, Bucks; d. 11 May, 1513.

William Bradshagbe, 5th (?) s. known as Wm. Bradschawe; settled at Wendover, Bucks.; d. 4 Oct. 1537. = (*c.* 1475) Alice, dau. and coh. of Thomas Gurney of Halton, Bucks, who d. *c.* 1480. She d. *c.* 1553.

James Bradshaghe = (*c.* 1465) Joan, dau. of Alexander Standish, Esq. (? of Standish)—see Final Concord 2 Aug. 1477, naming their three s.'s (*Lancs. Fines*, iii, 135–6; Rec. Soc., 50).
s. and h.; b. *c.* 1442; d. May 1491.

Thomas B, Alexander B.

Henry Bradschawe, Attorney-General to Henry VIII and mentioned in the King's will; d. 27 July 1554.

Eight other children.

Bennet B. (d. soon after his f.) and daus.

Sir Roger Bradshaghe = Anne .....; she marr. as 2nd husband Sir Nicholas Butler of Rawcliffe; she d. at Hoole, 22 Aug. 1554.
Knt.; eldest s.; b. *c.* 1467; d. Dec. 1537 without issue and was succ. by his bro. Ralph. Will dated 17 Nov. 1537; pr. 28 Mar. 1542. Rebuilt the Wigan Church Chancel.
s.p.

Sir Ralph Bradshaghe = Knt.; 2nd s., b. *c.* 1475; d. before June 1549 without issue and was succ. by his nep. Roger; Mayor of Wigan 1534, 1543 and 1544.
s.p.

William Bradsbagbe = Maude (or Matilda), dau. of Sir Chris. Standish of Duxbury.
3rd s.; b. before Aug. 1477; d. before 1554; Mayor of Wigan 1506, 1517, 1531–3.

Elizabeth, d. childless.
Constance, wife of Henry Charnock of Charnock.

Thomas Bradshaigh, 4th s.; in Holy Orders; B.A. Cantab. 1515; Fellow of Peterhouse 1521–6; grandfather of Francis Bradshaghe (see *Cal. S.P.*, 1634, p. 186).

Roger Bradshaigb = (*c.* 1545*) Jane, 3rd dau. of Alexander Standish (d. 1539) of Standish, by his wife Anne, dau. of Sir William Molyneux of Sefton.
succ. to Haigh 1554 (aged 36); b. *c.* 1518; d. 20 Feb. 1598/9; bur. at Wigan 27 Feb.

* By Alexander's will (1539) the marriage had been covenanted at that date, but Jane was not more than 13 or 14 years old in 1539.

Otber issue including ? Alice = (1558) Henry Hogbton.

Jane, dau. and sole = James Bradshaigh = Dorotby (2nd w.), dau. of Robert Tatton of Wettenham, co. Chester.
b. of Thomas de Hoghton, by Katherine his w., dau. of Sir Tbomas Gerard of Brtn.; aged 26 in 1579; d. aged 29; bur. at Wigan 5 Sept. 1581.
1sts.; b. *c.* 1550; d. in his f.'s lifetime before Sept. 1592. (Mentioned as dec. in bro. Richard's will.)

Edward, 2nd s.; bur. at Wigan 12 Apr. 1595.

Richard, 3rd s.; bur. at Wigan 4 Sept. 1592.

Tbomas, 4th s.; Sergeant-at-Arms to Queen Elizabeth; living 1592.

Roger, 5th s.; bap. Standisb 4 Mar. 1564/5; M.A. Cantab. and Oxon; D.D. Oxon. 1602; Canon of Hereford 1589; Cbap. to James I; d. 29 June 1612; bur. Heref. Cath.

John, " b. at Hagbe "; adm. Pens. Queens, Cam., 30 July 1588. William, living 1592. Another son.

Anne = (1) Thomas Grosvenor of Eaton, wbo d. 1579; 3 dau. and 1 s. Richard (living 1592) from whom descended the Dukes of Westminster.
living 1592. (2) Sir Wm. Radcliffe; d. 22 Oct. 1599.

Mary Helen, bap. at Standish 9 June 1563; living 1592. Otber daughters.

William Bradshaigh, d. *s.p.*

Alexander Bradshaigb = Dorotby, dau. of William Jennings of co. Derbyshire,
(Merchant-Tailor of London) living 1641.

Mabel = Robert Goddard (or Goodiar).
living 1641.

Maud, d. young.

Anne = Reginald Royle
living 1641.

(1) Roger, d. young.

(2) Roger Bradshaigh = Anne, dau. of Christopher Anderton of Lostock.
s. and h.; b. *c.* 1577; bur. at Wigan 16 May 1641.

(3) James (wrongly called John); bap. 26 June 1581.

Jane = Richard Emmine, merchant of London.

Katberine d. unmarr.; living at Haigb Apr. 1641.

(1) James Bradshaigb = (2 Nov. 1619) Anne, 4th dau. of Sir William Norreys of Speke, K.B.
eldest s.; d. in his f.'s lifetime; bur. at Wigan 6 June 1631; " Scholar and Poet "; aged 17 in 1613.

(2) Richard, bap. 28 Dec. 1601; " A Great Scbolar "; S.J., Rector of St. Omer's Coll.; d. 13 Feb. 1668/9.

Margaret (2nd w.) = (4) Sir William Bradsbaigh = (1st w.) Dorothy, " Lady Butler ", dau. of ..... Butler, co. Hants.
dau. of Sir Francis Englefield of co. Berks. and relict of Hatton Barnes of Whittlebury Forest, co. Northants; marr. *c.* 1637; living Apr. 1641.
Knt.; b. 1607; elder twin bro. of Thomas ?; d. 17 Jan. 1648/9; will pr. at Cbester 30 Jan. 1648/9.
s.p.

* Tbe two daus. of William and Troth B. were (1) Troatb who marr. John Ingleby of Lawkland; (2) Mary (bap. Nov. 1683). Tbey sold the estate in 1704 for £5100 to Nicholas Hall of Furnival.

William Bradshaigh = (1668) Trotb, dau. of John Kennet of Cockshaw, Bishop Middleton, co. Durbam.
b. *c.* 1638 (said to be 27 in 1664). He purcbased the Manor of Bishop Middleton in 1668 for £3000.
2 daus.*

(3) Edward, bap. 19 Apr. 1606; a Carmelite friar; lived at Haigh from 1633; d. 25 Sept. 1652.

(5) Tbomas, b. 1607 **; S.J.; engaged in tbe Englisb Mission; d. 1663.

(6) Roger, bap. 28 Apr. 1608; Captain in King's Forces.

(7) Peter, bap. 5 July 1609; S.J. att. St. Aloysius Coll., Lancs.; d. 1676.

(8) Christopher, bap. 5 Nov. 1617; priest; living at tbe Mill House, Haigh, May 1673.

(1) Jane, w. of Nicholas Blundell of Crosby; living 1638, but d. before 1641, leaving issue. He d. 1631.

(2) Dorothy, w. of Hamlet Massey of Rixton; marr. *c.* 1615; surv. her busband; living 1652; issue Anne and otber children.

(3) Elizabetb, bap. 16 Apr. 1611; a nun, Gravelines.

(4) Anne, nun, Gravelines.

(5) Catberine, bap. 22 Mar. 1613/14; bur. 29 May 1614.

(6) Frances, bap. 7 Oct. 1615; w. of Edward Scarisbrick of Scarisb.; d. 7 Nov. 1652 leaving issue.

(7) Ellen, bap. 26 June 1619; a nun at Ravene (Rouen).

** Roger B. (1577-1641) states several times that Edward is his 3rd son and William his 4th. Edward was bap. Apr. 1606 and Thomas 5th son born 1607; William must therefore be the elder twin bro. of Thomas; if younger twin of Edward his bap. would be recorded.]

his cousin; b. 31 Dec. 1824; d. 28 Dec. 1909. Her father was M.P. for Wigan 1825–31.

Wigan 1845–57 and 1859–66; d. 13 Aug. 1874.

Q. Victoria; only dau. of John, 3rd Earl of Mexboro'; d. 16 Dec. 1890.

Lt.-Col.; Parl. Groom in Waiting to tbe Q.; d. 25 Mar. 1889.

Browne; d. 15 Feb. 1873.

Colin Lindsay = (29 July 1845) Lady Frances Howard, eldest dau. and coh. of William, 4th Earl of Wicklow; d. 20 Aug. 1897.
b. 6 Dec. 1819; d. 28 Jan. 1892.

James Ludovic Lindsay, 26th Earl of Crawford and 9th Earl of Balcarres, 34th Lord Lindsay of Crawford, 3rd Baron Wigan, Lord Balniel, K.T.; b. 28 July 1847; Lt.-Col. 4th Lancs. Volunteers; M.P. for Wigan 1874–1881; LL.D., F.R.S., F.S.A., President Royal Astronomical Soc.; Orientalist; Cmdr. of the Legion of Honour; Trustee of tbe Brit. Mus.; President of the Library Association; Chairman of the Wigan Public Library Committee; Hon. Freeman of Wigan 1900; d. 31 Jan. 1913.

(22 July 1869) Emily Florence, 2nd dau. of Col. the Hon. Edward Bootle-Wilbraham; b. 3 Apr. 1848; d. 15 Jan. 1934.

Alice Frances = George Branston Archer-Houblon of Hallingbury Place, Essex; d. 9 Nov. 1913.
marr. 17 Apr. 1783; d. 28 Sept. 1873.

Margaret Elizabeth, marr. 8 Jan. 1870; d. 26 Jan. 1912. = Lewis Ashurst Majendie, of Hedingham Castle, Essex; d. 22 Oct. 1885.

Mary Susan Felicia; marr. 9 May 1878; d. 27 Nov. 1937 = Hon. George Fredk. Lindley Wood, afterwards Meynell, 4th s. of Visc. Halifax; d. 4. Nov. 1910.

Anne Catherine Sybil; marr. 22 Nov. 1883; d. 15 Dec. 1936. = Hon. Francis Bowes-Lyon, s. of the 13th Earl of Strathmore and Kinghorne; b. 23 Feb. 1856.

Mabel Marion Jane Evelyn, b. 14 May 1862.

Sir David Alexander Edward Lindsay, K.T., P.C., D.L., 27th Earl of Crawford and 10th Earl of Balcarres, 35th Lord Lindsay of Crawford, 4th Baron Wigan, Lord Lindsay of Balcarres and Lord Balniel; b. 10 Oct. 1871; premier earl on tbe roll of Scotland, LL.D., D.C.L., Litt.D., M.I.Min.E., M.I.Mech.E. F.R.I.B.A., F.S.A., F.R.S.; M.P. for Chorley division of Lancs. 1895–1913; Junior Lord of the Treasury 1903–5; President of the Board of Agriculture 1916; Lord Privy Seal 1916–19; Chancellor of the Duchy of Lancaster 1919–21; Commissioner of Works 1921; Minister of Transport 1922; Hon. Col. 5th Batt, Manchester Regt.; Chancellor of tbe Manchester University 1923–40; Chairman of the Royal Fine Arts Commission; Trustee of the National Gallery and of the British Museum; President of the Society of Antiquaries and otber learned societies; Cbairman of the Wigan Libraries Committee for 27 years; Trustee of the John Rylands Library, etc.; Art historian; d. 8 Mar. 1940.

(25 Jan. 1900) Constance Lilian, dau. and coh. of Sir Henry Carstairs Pelly, 3rd Bart.

Walter Patrick, b. 13 Feb. 1873; d. 2 July 1936; marr. 26 Nov. 1902 Ruth Henderson, and has issue 1 s., 1 dau.

Robert Hamilton, b. 30 Mar. 1874; d. 8 Dec. 1911; marr. Mary Janet Clarke and has issue 1 s., 2 daus.

Edward Reginald, b. 15 Mar. 1876; Roman Catholic Priest.

Sir Ronald Charles Lindsay = (1st, 1909) Martba Cameron, d. 28 Apr. 1918. (2nd, 1924) Elizabetb Sherman Hoyt.
P.C., G.C.B., G.C.M.G., C.V.O., LL.D.; b. 3 May 1877; Ambassador at Constantinople 1924–6, at Berlin 1926–8, and at Washington 1930–9. d. 21 Aug. 1945.

Lionel, b. 20 July 1879; M.C., Legion of Hon.; marr. Kath. Yone Kennedy; issue 1 s.

Evelyn Margaret, O.B.E. (b. 1870, d. 1944); marr. 1895 James Francis Mason, M.P., who d. 1929; issue 1 s. 4 daus.

Robert Alexander Lindsay, 28th Earl of Crawford and 11th Earl of Balcarres, etc; 5tb Baron Wigan; b. 20 Nov. 1900; M.P. for tbe Lonsdale div. 1924–40. = (1925) Mary Katherine, dau. of Lord Richard Frederick Cavendish, P.C., C.B., C.M.G.

James Louis = Hon. Bronwen Mary Scott-Ellis, dau. of the 8tb Baron Howard de Walden.
b. 16 Dec. 1906; marr. 26 April 1933.

3 s.
1 dau.

Margaret Cyntbia = Henry C. H. Illingworth, M.C.
b. 27 June 1902; marr. 18 Dec. 1928.

Cynthia Anne = (1st, 1931) Per Erik Folke Arnander; who d. 26 Feb. 1933. (2nd, 1934) Giovanni Fummi.
b. 21 June, 1904.

Elizabeth Patricia, b. 1908; d. 1937 unmarr.

Mary Lilian = Reginald E. Manningham-Buller, M.P.
b. 27 Sept. 1910; marr. 1930.

Katherine Constance = Godfrey Nicholson, M.P.
b. Aug. 1912; marr. 1936.

Barbara = Richard Lumley Hurst.
b. 31 Dec. 1915; marr. 1939.

Robert Alexander Lindsay, Lord Balniel; b. 5 Mar. 1927.

Patrick, b. 1928.

Thomas Richard, b. 1937.

* A charter preserved at Haigb in whicb " William de Bradshagh of Hagh " appoints trustees for tbe Manor of Haigb, dated at Haigh 6 May 1360, has a seal bearing the arms of Bradshaw of Bradsbaw differenced by a crescent in tbe dexter cbief (for second son). This was the Arms generally borne by tbe Bradshaighs of Haigh down to 1575 wben the then Roger Bradshaigb obtained a new grant omitting the crescent and giving two martlets in the field (a coat used by one or two earlier members of tbe family in the fifteentb century) togetber with a crest. This 1360 seal seems to confirm tbe surmise in the *V.C.H. Lancs.* (Vol. iii, pp. 427–8) that the first above Richard de Bradshagbe was a younger (or second) son of Uchtred de Bradsbaw of Bradsbaw, though it may refer to the fact that William the 1360 grantor was himself a second son, wbicb is correct, his elder brother Richard inheriting Westleigh. But the first Bradsbaw of Westleigh would not be entitled to use the Arms of Bradsbaw of Bradshaw without an appropriate difference.

The Arms of Bradshaw (or Bradshagh) of Bradshaw: Argent two bends sable.
Tbe Arms of Bradshaghe of Haigh 1360 +: Argent two bends sable witb a crescent for difference.
Arms used by a Bradsbaghe of Haigh about 1475: Argent two bends sable between two martlets
Arms registered by Bradsbaghe of Haigb at tbe Visitation 1567: Argent two bends sable with a crescent for difference, and for crest, on a mount vert a buck at gaze proper under a vine vert.
Arms granted to Bradsbaigh of Haigh 1575 and registered at the Visitation 1613: Argent two bends between two martlets sable, and for Crest a stag at gaze proper under a vine vert fructed gules.
Tbe Crest was varied at the Visitation of 1664–5 to: On a mount vert a stag trippant proper in front of a branch of vine (? vert).

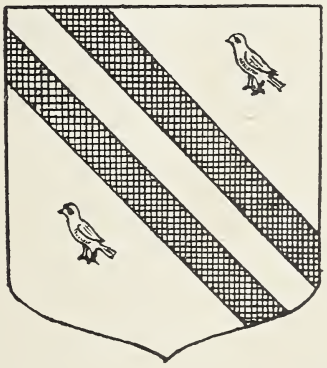
Sir Roger Bradshaigh
of Haigh, Knight and Baronet
1628–1684

WITH NOTES OF HIS IMMEDIATE FORBEARS

BY

ARTHUR JOHN HAWKES, F.S.A.

PRESIDENT OF THE LANCASHIRE AND CHESHIRE ANTIQUARIAN SOCIETY



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FOREWORD

THIS short monograph on the life and work of Sir Roger Bradshaigh of Haigh, the first Baronet, is an expansion of a paper presented as the President's inaugural lecture to the Lancashire and Cheshire Antiquarian Society in January, 1944. I had long been impressed with the importance of this man in Lancashire affairs and much surprised at the entire absence of any proper notice of him in any work of reference. Indeed, the only obituary notice which indicates his public stature is the one to be found in the 1727 edition of Thomas Wotton's *English Baronets*. The brief notice in G. E. Cokayne's *Complete Baronetage* is marred by singular inaccuracies. There is no mention of him in the *Dictionary of National Biography*, yet he is much more worthy of inclusion than many who have gained admission to its honourable pages. It is noticed that a number who achieved real eminence in technology and practical affairs, even quite notable inventors, are omitted. The omission of Bradshaigh has been remarked upon by Lancashire scholars on several occasions and I had contemplated writing an account of his career for some time, but it was not till September, 1943, that I settled down to the task. Unfortunately the War has prevented me from examining several manuscript sources which would, no doubt, have supplied additional information about his personal life and his parliamentary activities. Nevertheless, I hope the ensuing pages will be favourably regarded as doing belated justice to the memory of a Lancastrian who attained a real distinction in civil affairs, gained a high reputation for noble qualities of personality, and was universally beloved by his neighbours and contemporaries.

The Portraits. Owing to various war-time difficulties good photographs of the portraits illustrating this Memoir were not obtainable, and apologies are tendered to Lord Crawford, whose pictures are here reproduced.

I most cordially thank the Earl of Crawford for placing his muniments at my free disposal and granting me permission to make full extracts from the documents, copyright in which belongs to him. I also thank Mr. Charles Nowell, the City Librarian of Manchester, for the facility which enabled me to make such considerable use of the Bradshaigh Letter Book, so largely quoted in the ensuing pages.

A. J. H.

CHAPTER ONE

ANCESTRY

The Bradshaighs of Haigh were an important Lancashire family. A glance at the family pedigree will show that its members were thoroughbred Lancashire. Although the name is spelled Bradshaigh, or earlier Bradeshaghe, they derive ultimately from the Bradshaws of Bradshaw near Bolton, and are, I believe, supposed to be of genuine English pre-Conquest origin. Coming to the other end of the chart we find they are the ancestors of that most eminent succession of men, the last four or five Earls of Crawford, through a marriage with the Bradshaigh heiress in the eighteenth century. The Lindsays have always been a distinguished family, numbering among their Scottish ancestors famous statesmen and soldiers, noted scholars, and one of the greatest of Scotch poets; but it seems not unlikely that the scientific talent displayed by recent generations of the family may derive in some measure from the Bradshaigh stem.

The present owner of Haigh, the 28th Earl of Crawford and 5th Baron Wigan, holds the Manor by family inheritance from the earliest known lord of Haigh, Hugh le Norreys, who was in possession in the year 1193. Although the name of the family changed from Norreys to Bradshaigh about 1290, and from Bradshaigh to Lindsay in 1780, through the lack of a male heir, this unbroken descent by inheritance for 750 years is itself an unusual and remarkable record. The Bradshaighs in the male line held the manor for nearly 600 years. During this long period many members of the family received the honour of knighthood, some adorned the Church, others have been members of Parliament, one became Attorney-General to Henry VIII, and at least one other has been described as "a great scholar and a fine poet". They have taken a leading part in local government, six or seven being at different times Mayors of Wigan, each on several occasions. But the family's most important achievement, their most important contribution to the welfare of society, was their discovery and energetic exploitation of the coal seams on their Haigh estate. It is in this connection that Sir Roger Bradshaigh, the first baronet, possesses his greatest claim to memory.

The coal of Haigh was mostly that remarkable and valuable variety known as "cannel", the mines being usually referred to as cannel mines. The name cannel-coal is said to be a corruption of "candle-coal" because, owing to its high gaseous content, it burns like a candle. But I am inclined to think this is a piece of folk-etymology with no real foundation, for I have failed to find any genuine early use of the

compound term candle- or cannel-coal, it is simply termed cannel (canell) as far back as can be traced. It is hard, compact, and lustrous, and capable of being carved into medallions, bowls, trinkets, and even portrait busts. The late Lord Crawford has described it [1] as possessing the smoothness of marble, the texture of porcelain, the glossiness of bronze, the lightness of jet, and the cleanliness of glass—in fact all the æsthetic virtues. In the eighteenth and early nineteenth centuries a considerable curio trade was carried on in these objects in Wigan. Lord Crawford possesses a number of them which were carved in the eighteenth century by Robert Town, the father of Charles Town, the Wigan-born animal painter known as " Charles Town of Liverpool ". The earliest known reference to this use of cannel was a piece of " cannel plate " which in 1634 the then Roger Bradshaigh, grandfather of the first baronet, presented to three travellers from Norwich.[2] For more than 100 years, and surviving until the middle of the nineteenth century there was a summer-house at Haigh cut from " cannel " coal which, it is said, was so well polished that it made no mark on the whitest of garments.

The earliest published reference to the Haigh mines occurs in John Leland's *Itinerary*. He visited Wigan about 1538 and records that " Mr. Bradshaw hath a place callid Hawe, a myle from Wigan, he hath found much canel like sea-coole in his grounde, very profitable to him ". This would be the William Bradshaigh who was Mayor of Wigan in 1531 and 1533. The late Lord Crawford informed me that there were records of mining at Haigh at least 200 years earlier than this ; and the mention of cannel under the name of " fyre-stone " occurs in a local deed of 1350 preserved in the Wigan Library.[3] The earliest documents at Haigh that I have seen dealing with the cannel mines are the sixteenth-century Court Rolls of the Manor. Lord Crawford has kindly given me permission to quote them. At the Court held on Saturday, 12th October, 3 and 4 Philip and Mary [1556] certain Orders were made. The fourth to seventh Orders read :

> Yt ys Ordered at this Courte that Every of the Lorde hys tenants which shall have or get any canell in the towne pytte of Haghe shall declare unto the Lorde how many Wayne Loades of Canell they woll yerely get in the same towne pitte. And the same to be Entred in the Boke. And Every of them to beare and be dated & taxed towards the Charge to be Susteyned & Bestowed aswell for makeng new towne pittes as also for Reparacons thereof & otherwise when occacon of charge shall be soughing the same towne pitts According to the nombre of loads whiche every of them shall get And non otherwise.
>
> That all the saide tenants and Every of them shall get theyre Canell or Fuell

[1] Lord Crawford, *Haigh Cannel* (1923), p. 14.

[2] Lansdowne MSS., Brit. Mus., No. 213.

[3] Standish Deeds, No. 63 ; the early record at Haigh has not come to light, but the reference may have been to deeds which have not been examined.

in the saide Towne pyt of Haghe Betwene the Feast of the Invencon of the Holye Crosse and Lammas Daye and at noone other tyme or tymes of the yere.

That the Basketts of the saide towne pitte shall be looked upon by the Lord & iiij of the tenants and such of them as be not sufficient to be amended by theyre destrucon and soo to contynue from then forthe.

That an awdytor shalbe yerely apoynted by the Lorde with iiij of the saide tenants who shall yerely contynue att the saide towne pytte duryng the tyme of gettyng Canell there.

From these and subsequent Orders it seems clear that the tenants obtained free cannel for use in their tenements except that they had to bear a proportion of the costs in boring and maintenance. Indeed in 1554 the then Roger Bradshaigh stated in court pleadings that his tenants had been accustomed to get cannel from time out of mind for which they paid by boons, presents, and averages.[1] The profit from the mines was derived from customers outside the Manor. Appended to the record of the Court held on 18th December 10 Elizabeth [1567] there is a list of

The Names of the Lordes tenants wch be lycenced & apoynted by the Lorde at his Courte to get Canell in the Towne pytt yerely accordinge to theire owne requests

comprising 58 names (a few of which have been struck out, presumably deceased) with the loads of cannel they are licensed to get, which vary from ten loads to twenty-six. From another source we learn that ten baskets make a load. Certain friends of the lord are also licensed, for at the foot of the list there are these additions:

That Mr. Rygbie shall have yerely at the sayde town pytt xx lodes of canell & to beare accordynglie as the sayde tenants doo towardes the makinge of new pitts & all other chargis towardinge the saide towne pytt, and he also to yelde & paye yerely to the lorde one capon. That Gylbert Hindle shall have . . . xx lodes of canell in lykemaner yeldinge & painge yearlie to the lorde ii heres ii capons.

Apparently there had been some abuses, for in 1576 it is "Ordered to be observede and Kept at the towne pitt"

Imprimis the Heuers shall not take passinge iid ob [2½*d.*] for the hewinge of one lode

Item the Drawers not passinge 1*d.* one lode

Item the Winders ob qr. (¾*d.*] one lode

Item everye one which be namede in the towne booke for the number of there lodes shall first gett the halfe of them untill they all be served onste over and then begine agagne, and everye one shall gett the halfe of those [lodes] that remayne untill albe served agagne, and then goe agagne untill theye have gotten the whole number of there lodes if the tyme will serve there to.

A sixteenth-century example of the fuel queue, evidently. But they are to be allowed an extra fortnight ("forknote") for this year.

[1] *Duchy Plead.*, iii, 182 (quoted by *V.C.H. Lancs.*).

The Roger Bradshaigh of the Court Roll died 20 February, 1598/9 and was succeeded by his grandson, another Roger Bradshaigh born about 1576. He carried on the coal works with enterprise and vigour, though his career was marred by a quarrel with his kinsman and neighbour, Miles Gerard of Aspull, who had begun to develop the cannel deposits on his Aspull estate.[1] In 1632 there was a serious accident in one of the pits at Haigh which collapsed in consequence of the pillars of coal left to support the roof being wrought too slender. This led to an exacting code of rules for the working of the pits being drawn up in 1636 and agreed to between Roger Bradshaigh and his workmen. Reference will be made to this again later. Notwithstanding these difficulties the mining operations at Haigh continued to flourish.

With this preliminary survey of the state of the cannel mines at Haigh I come to the particular period of my subject with a sketch of Sir Roger Bradshaigh's immediate forbears. His father was James Bradshaigh, the eldest son of the Roger Bradshaigh just mentioned, and his wife Anne who was the daughter of Christopher Anderton of Lostock. James, who was born at Haigh about 1596, was a zealous Roman Catholic. He died at the early age of 35 in 1631,[2] in his father's lifetime. He is described in a notice of him published in 1727[3] as "a great scholar, a fine poet, a traveller in most parts of Europe, and spoke well those languages". When I read that I must admit I was more than a little surprised, for I had never heard of any publications by him, and a careful search failed to discover any of his writings, either in prose or verse. Yet such a definite claim by his immediate descendants must have good foundation. The evidence that he was a traveller is preserved at Haigh Hall where his passport dated 22 May, 1612, and signed by four successive ministers and two other crown officials, is yet to be seen. It mentions that he is "desirous to travell in the parts beyond the seas for his better experience and knowledge in the languages". He is prohibited from going to the city of Rome. It is signed by Thomas, first Earl of Suffolk, who was Lord Chamberlain in 1612; William, third Earl of Pembroke, who succeeded Suffolk as Lord Chamberlain in 1614; William, Lord Knollys, afterwards Earl of Banbury, who was a Commissioner of the Treasury at the appropriate period; Edward, Lord Wotton who was also a Commissioner of the Treasury; Lord Stanhope of Harrington, Vice-Chamberlain; and Sir Julius Cæsar, who was Master of the Rolls. Although it was customary for several privy councillors to sign documents, it seems unlikely that all these

[1] Lord Crawford, *Haigh Cannel* (1933), p. 6.

[2] He died unexpectedly, having lately purchased a small estate, on which he still owed a considerable sum, to the embarrassment of his father.

[3] Thomas Wotton, *English Baronets*, ii, 572.

signatures were needed on the original passport, and indicates that James Bradshaigh made several successive journeys.[1]

The claim that James was " a fine poet " set me thinking. Could it be that someone else had been given credit for his work, or were his works so completely anonymous that no one had identified them ? Then I remembered a rare book of religious verse that had been variously attributed, more especially to his brother Edward Bradshaigh and to his cousin Laurence Anderton, and the book was signed I.B. I, myself, was responsible for the Anderton attribution and put up such a good case that in the new edition of the British Museum *Catalogue of the Printed Books* (1932) the attribution is accepted without question !

I decided to consider the matter again. The full title of the book is : *Virginalia, or Spirituall Sonnets in prayse of the most Glorious Virgin Marie, upon everie severall Title of her Litanies of Loreto. . . . By I. B. Printed with Licence* 1632. The book is almost certainly printed at the Birchley Hall secret press. Thus I was led to suppose that the initials stood for John Brereley, the pseudonym of Laurence Anderton, the noted Jesuit, who was associated with his cousins in running the press and whose works were frequently printed at Birchley. He wrote a good deal of sacred poetry of considerable merit, including the celebrated hymn " Jerusalem, my happy home ", the original manuscript of which, signed J.B.P. [i.e. John Brereley, Priest] is preserved in the British Museum. Joseph Gillow, in the supplement to his *Bibliographical Dictionary* [2] claims to have identified this manuscript as entirely in the handwriting of Laurence Anderton. Only one copy of the *Virginalia* is known. It passed from the Bright collection to the Corser collection, thence to the Huth Library, then to Joseph Gillow, and is now in the library of the British Museum. An early owner has filled out the initials on the title-page as

I. [a] B. *radshaigh*

[1] This seems to be one of the earliest passports for foreign travel still extant—if not the earliest. A writer in the *Sphere* for 15 August, 1936, p. 280, states that " . . . letters of safe conduct are first mentioned in England in the time of Henry V when an Act was passed to the effect that : ' In all safe conducts to be granted any persons, their names, the names of their ships, the name of the Master, and the number of marines should be given.' In those days safe conducts were made out in Chancery. It was the Privy Council which issued passports from 1540 to 1685. One of the earliest on record was issued by Charles I to : ' Our trusty and well-beloved servant Captain William Bradshaigh, Esquire '. . . ." No date or other particulars are given ; nor is the present whereabouts of this document indicated ; yet it is odd that the person to whom this passport was issued is actually the younger brother of the above James. James's passport has an interesting endorsement by the harbour-master : " This James w[th] his man was embarqued for France the 28th of May 1612. P(er) me William Jones Clerke of the passage."

[2] *Bibl. Dict. Eng. Cathol.*, v, 204 ; see also my paper on the " Birchley Hall Secret Press " in *The Library*, 1926, p. 146.

and an early bibliographer has suggested this meant Isabella Bradshaigh,[1] which led to the attribution being entirely disregarded. Gillow,[2] however, ascribed the book to James's brother, Edward Bradshaigh, the Carmelite (of whom more presently) without much reason, yet the ascription was generally accepted. Edward, however, was in France in 1632 and did not return to England till the following year. On the other hand, James died the year before. What more natural than that his mother should hand the manuscript over to her brothers at Birchley for printing. Thus the attribution on the title-page is substantiated: Ia stands for James—not an uncommon abbreviation. If we accept this solution, James Bradshaigh's claim to be "a fine poet" is fully borne out, for the poetic merits of the book are admitted. No doubt James visited Loretto in the course of his European travels.

Roger then had a learned, cultured, and devout father. He also had several uncles who are known to have gained high distinction in scholarship and divinity. James's next younger brother Richard, who was born in 1601, entered the Jesuit Order in 1625 and was Rector of the College at Liége from 1642 to 1655. In the latter year he went to Paris as Procurator of the English Province. In 1656 he was declared Provincial and appointed Rector of the College at St. Omer, both of which posts he occupied till 1666. In 1658 he published anonymously *On the Nullity of Protestant Ordinations* which occasioned an immediate reply from Dr. John Bramhall, Archbishop of Armagh. His learning was admitted even by his Protestant opponents. He died 13 February, 1669. There is a notice of him in *D.N.B.*

Edward, born in 1606, became a Carmelite Friar and suffered imprisonment for his faith in 1626. He was later released through the intercession of friends, more especially the King of Spain, and banished to France. He returned to England in 1633 and lived the rest of his life at Haigh Hall where he devoted himself to good works. In later life he was relieved of his missionary labours in order to devote himself to the study of English antiquities and religious history. At his death on 25 September, 1652, he had completed two important historical treatises in Latin, one a History of Monasticism in Britain, and the other The Lives of the British Saints ancient and recent.[3] The ascription to Edward of *Virginalia* I have already fully discussed.

Two other brothers of James also entered the Society of Jesus and were fully "professed" priests, Thomas (1607–63) and Peter (1609–76). Both engaged in the English Mission, the former in London and the latter at St. Aloysius' College in Lancashire. Still another brother, Christopher (born in 1617), became a secular priest after entering the English College at Rome. He, too, officiated in Lancashire, living at

[1] *Book Prices Current*, 1912, p. 139. [2] *Bibl. Dict. Eng. Cathol.*, i, 287.
[3] Gillow, *ibid.*, i, 287.

Scarisbrick Hall with his sister Frances. In 1657 he was imprisoned at Liverpool. All these four brothers assumed the name of Barton (which had previously been adopted by an uncle, Robert) on entering the Order [1]; Edward's name was Elias à Jesu. Three sisters became nuns.

James's third younger brother, William (1607–49), became a soldier. Like many others of his quality he commenced as a foreign legionary, for we first hear of him at the age of 18 or 19 in the service of the Archduchess Isabella. Many on both sides in the Civil War learned the military art in the Netherlands, the Protestants joining the Dutch cause and the Roman Catholics taking the Spanish side.[2] In 1625 a Royal proclamation was issued recalling all gentlemen from foreign service. The letter from Roger Bradshaigh (the elder) to his son William dated 1st December, 1625, informing him of the order is preserved in the P.R.O.[3] In 1626 there is a letter dated 22nd August from Lord Conway, Secretary of State, to Edward Nicholas, Secretary of the Admiralty, recommending William Bradshaigh for employment in the fleet which the city of London was sending to sea.[4] In 1630 he is referred to as Captain Bradshaigh.[5] In 1638 Captain William Bradshaigh and his second wife Margaret are listed as recusants.[6] Between this date and 1643 William was knighted "for his good services" as the family record has it, but the exact date is not known. In his will dated 29 June, 1643, he describes himself as knight. He appears later to have become Colonel.[7] He died on 17 January 1648/9.[8]

The other brother Roger, who was born in 1608, also "followed the wars" but little or nothing is known about him. It is possible he is identical with the Captain Roger Bradshaw who made an affidavit in Henry Shipworth's suit in 1631[9] and was captured at sea; brought prisoner to Liverpool 19 May, 1651, he was charged by the Parliament with "piracie and other treasons".[10]

[1] Henry Foley, *Records of the English Province of the Society of Jesus*, i, 227–30.

[2] The Archduke Albert of Austria died in 1621, his wife the Infanta Isabella of Spain (1566–1633) continued the struggle.

[3] *Cal. S.P. Dom.*, p. 166.

[4] *Ibid.*, p. 408.

[5] *Ibid.*, p. 408, but the Editor of this volume has erroneously identified this Captain as *Roger* Bradshaigh; the document refers to the "Capt. Bradshaw that married Lady Butler", that is, William.

[6] *Cal. S.P. Dom.*, p. 222.

[7] *Cal. S.P. Dom.*, 1665, p. 150.

[8] In the Stanley, Royalist Com. Papers, ii, 54 (*Rec. Soc.*, 24) a codicil to his will is dated 16 Jan. and the will was proved at Chester on 30th of the same month (Chet. Soc., N.S., 3 or 28, p. 9).

[9] *Cal. S.P. Dom.*, p. 511.

[10] *Ibid.*, p. 208.

CHAPTER TWO

SIR ROGER BRADSHAIGH'S EARLY YEARS

Sir Roger Bradshaigh, the first baronet, was the third son of James Bradshaigh and his wife Anne, the daughter of Sir William Norreys of Speke.[1] His two elder brothers, Roger and William, both died in infancy. He was born at Haigh 14 January, 1627/8. It is clear from the foregoing relation that the future baronet was brought up in a scholarly, devout, and loyal household, as well as a busy industrial one. His father died when he was four years old and he came under the guardianship of his grandfather, another Roger Bradshaigh, already mentioned. He was probably first educated at home by his uncle Edward who returned home when the boy was about 6 years of age. The atmosphere was intensely Roman Catholic. His grandfather had returned to the Old Faith many years before, and in 1631 refused knighthood, paying a fine of £13 6*s.* 8*d.*; his mother and grandmother were both members of strong Roman Catholic families, the latter being sister to the Andertons of Birchley who maintained there a secret press which was carried on for nearly forty years. Yet when the young Roger came to manhood we see him a convinced Protestant.

Naturally we know little of his boyhood, but his young imagination must have been much excited by the great coal works which were continually expanding on the estate, great holes in the earth expanding at the bottom into chambers supported by huge black pillars of shining cannel. Accidents happened; the firedamp exploded.[2] As I have mentioned, there was a collapse of one of these pits in 1632 which led to a strict and detailed code of working rules being drawn up in 1636, to ensure, among other things, a sufficient girth to the pillars left to support the roof. These pillars are all solid masses of coal and the temptation to hewers, who were paid by results, to encroach on them was very great. Fines were frequent—"James Low hath wrought 4 houses to[o] widd and two pilers to litle and 2 eyes to widd." In 1576 the workmen were fined a whole week's wages if they passed beyond the prescribed limits, but by these Orders of 1636 a regular list of small fines was agreed upon according to the nature of the offence. The clue to the incident which occasioned these Orders is found in a much later memorandum. In the course of the work on the Great Sough (which I shall come to later), about 1665, it is noted that: "A

[1] The Norris family of Speke was descended from Alan, a brother of the Hugh le Norreys who held Haigh in 1193, and this is the second alliance with that family made by the male heir of the Bradshaighs.

[2] There are few records at this period, but a typical report by the steward is "The fiery Damp went off twice since I was at Chester but did little hurt". (Shakerley Letters, quoted by Lord Crawford in *Haigh Cannel*, p. 7.)

little beloe the middle Halcroft there is aboute 30 drifts of Cannell standinge wch was long since left (as is suposed) when that Pitt was over thrown by reason of the slenderness of the pillars about the Pitt Eye, wch caused afterwards these strict Articles wch are now in force in this booke." The great bustle of work going on all day in the Park, accentuated by a disaster of this kind, must have given the boy much to reflect upon.

Roger's grandfather died on 16th May, 1641,[1] and Roger became a ward of the Crown. He was then 13 years of age. By the Court of Wards and Liveries the boy was placed in the guardianship of John Fleetwood of Penwortham and William Radcliffe of Manchester.[2] From a document preserved at Haigh [3] they appear to have divided their trust, Radcliffe taking charge of the estate and Fleetwood assuming the personal custody of the boy. This led to a divided allegiance after the outbreak of the Civil War, for Radcliffe adhered to the cause of Parliament whilst Fleetwood, though a pronounced Protestant, found himself in sympathy with the Royalist side. This curious situation fell out altogether fortunate for the young Roger, as we shall see in a moment. Fleetwood entrusted Roger to the Earl of Derby who undertook his education along with his own son Charles who was about the same age.[4] To this circumstance is ascribed, in great measure, his adoption of the reformed religion.[5] Roger is usually stated to be the first Protestant in his family, but this is not quite accurate. His grandfather's brother Alexander was a decided Protestant. We know this from Thomas Bradshaigh's interrogation on entering the English College at Rome. He enumerated his numerous brothers and uncles, saying they were all Catholics except his uncle Alexander.[6] Roger Bradshaigh the grandfather, too, was a professed Protestant in his youth, but reverted to the Old Faith in 1622 ;[6] all his children except James, the

[1] For an abstract of his will see the appendix to this paper, p. 60.

[2] The original deed covenanting the wardship is preserved at Haigh (Archiva Lindesiana), an indenture on vellum signed " W. Say & Seale ", Master of the Court. To this is annexed a valuation of the estate, which shows that in addition to the Manor of Haigh (including one corn water-mill, one slitting mill, and one fulling mill), held of the King for part of a knight's fee, there was considerable property in Wigan, comprising 16 burgages, one corn water-mill, 16 acres of (arable) land, 10 acres of meadow, and 15 acres of pasture, all held of the Rector (lord of the manor) for annual rents totalling 26*s.* 8*d.* ; also a small estate called Haycroft in Yorkshire. This document gives the date of Roger's birth as 14 Jan. 1627/8.

[3] Archiva Lindesiana ; a certificate of protection from the Commissioners for Delinquent Estates.

[4] This is indicated in Richard Wroe's *Funeral Sermon* (1684), p. 17, but I have not been able to confirm it from any other source.

[5] Wroe, *ibid.*, 17 ; but see also note in *V.C.H. Lancs.*, iv, 117, n. 41, " The Guardianship system was a common and successful way of inducing conformity ".

[6] Foley, *Records of the Society of Jesus*, i, 229.

eldest, were christened in the Wigan Parish Church. However, the influence of the Earl of Derby [1] on Roger can be credited when we consider that his son Charles, with whom Roger was educated, also became a staunch Anglican and published in 1669 *The Protestant Religion is a Sure Foundation and Principle of a true Christian* . . . which went into two editions, both now very rare.

The Great Civil War broke out the year after his grandfather's death and for greater safety Roger was sent with the Earl's family to the Isle of Man.[2] Thus obviously remote from the actual conflict and too young to take any part in it, Roger was close behind the scenes in the household of the Earl of Derby and became imbued with the Cavalier spirit. He could not help noting the serene loyalty of the Earl to the King, notwithstanding the many rebuffs he received from him, and he likewise formed a devoted regard for the Royalist cause, which years later was to have unpleasant consequences.

In the meantime Roger's Haigh estate was being carefully looked after by William Radcliffe, whose fidelity to the Parliament enabled him to secure the estate from intrusion. The document preserved at Haigh to which I have already referred is an order to the Parliament forces to respect its integrity. It is signed by Sir Thomas Stanley and Colonel Peter Egerton, Commissioners for Delinquent Estates, and is dated 28 September, 1643. It recites the circumstances of the guardianship and expresses the extreme displeasure of the Parliamentarians at Fleetwood's defection. On the other hand, Radcliffe is described as "an approved friend to the Kinge and Parliamente who by reason of the said Commitment is responsible for the reviewe of the ward's lands and personal estate". At the instance and petition of Radcliffe the Commissioners "Require, charge, and Command all Captaines, Commanders, and Officers . . . and all other agents and friends of the Parliamente . . . to desist and forbeare to distraine, attach, plunder, carrie away, or otherwise disturb . . . the capitall messuage called Haigh or any of the desmesne lands", etc.

Arriving at manhood status Roger returned to Haigh and took up the active management of his own affairs. The estate was intact and in good order. In 1647, in the twentieth year of his age, he married Elizabeth, daughter of William Pennington of Muncaster, and entered upon many years of marital felicity.

A few years later the Civil War was resumed. Charles II landed

[1] The Earl of Derby in his last letter to his son before his execution (Seacome) warned him against taking into his house either a Jesuit or a Puritan; "next to these the most meddlesome is a musician"!

[2] This also is on the authority of Wroe (*Sermon*, p. 18), but it is known that the Earl's children (or some of them) were with their mother at Lathom House during the first siege, and Charles was in England later. (See Seacome, *Hist. of the Stanley Family*.)

SIR ROGER BRADSHAIGH, KNT. AND BART., M.P., D.L., J.P.
(*From the portrait at Haigh Hall; artist unknown.*)

ELIZABETH, LADY BRADSHAIGH.
(*From the portrait at Haigh Hall; artist unknown.*)

in Scotland in June, 1650, and early in 1651 several people suspected of provoking a Royalist rebellion were arrested. Roger Bradshaigh may have been among these, for in March we find him imprisoned in Chester Castle. His arrest, however, is more likely to have followed his petition to the County Commissioners in respect of his uncle William's property in Kent and some land in Lancashire formerly in the possession of Christopher Anderton, which Roger claimed to have purchased from Sir William Brereton, the petition being dated 21 February, 1650/1. As already stated, Sir William Bradshaigh was a Colonel in the King's Army as well as a recorded recusant, and Christopher Anderton's lands were sequestered for the same offences of delinquency and recusancy. Exactly when Roger was arrested is not known, but on 8 April he was granted parole on giving a written undertaking which is preserved at Haigh. The text of the document may interest the reader :

I under writen doe engage my selfe (by the word of a gentleman) to bee a true prisoner unto Colonell Robert Dukinfield Governor of Chester, and not to stirr out of the sayd garrison of Chester without leave or by order from the sayd governor or his deputy. Neither will I act anythinge prejudiciall to the state, in witnes whearof I have hearunto put my hand April 8, 1651

ROGER BRADSHAIGH

I doe verily beleeve & undertake that Mr. Bradshawe will performe this engagement in all points. 8 April 1651

SAM. ROWE

On 13 June he was discharged from imprisonment and the discharge is also preserved at Haigh :

Accordinge to an order of the Councell of State bearinge date the third of June instant These are to certify all those whom it may concerne that the bearer hereof Roger Bradshaigh of Haigh in the County of Lanctr Esqre is hereby Discharged from his present imprison^{t}. (he havinge given security wth sufficient sureties accordinge to the direcons of the sayd order) And all officers and souldiers and all others are hereby requested quietly and peaceably to p'mitt and suffer the sayd Mr. Bradshaigh to passe to Haigh in the sayd county of Lanc^{tr} and to negotiate his affayres where his occasions require without interuption or molestacion, he actinge nothinge prejudicall to the Parliament or this present Governm^{t}. Dated at Chester the thirteenth daye of June 1651

ROBERT DUKENFIELD.

To all officers and souldiers and to all others whom it may concern.

Presumably the sureties he gave precluded his adherence to the forces of the Earl of Derby when the Earl landed on Preesall Sands on the following 10 August and endeavoured to raise Lancashire on behalf of Charles II, who had already reached Warrington after sleeping the night of the 14th at Bryn near Wigan. On the evening of the 16th August the Earl's forces encamped at Upholland on the other side of Wigan to Haigh Hall. After proceeding to Chorley the Earl turned back with the intention of occupying Wigan, but before he could reach the town

he was intercepted by the Parliament's forces under Lilburne and the Battle of Wigan Lane ensued on the morning of 25th August, 1651. This was fought on the confines of Roger Bradshaigh's estate. As I have already given a full account of it elsewhere [1] I will not repeat it here except to note that the main fighting took place on the Wigan end of the Haigh Park. Roger Bradshaigh was a passive spectator of Derby's fight and eventual defeat. At about 4 o'clock in the afternoon when the carnage was over Bradshaigh and his servants went among those left for dead and found Sir William Throgmorton still alive and had him conveyed to the Hall, where he eventually recovered.

As is well known, Lord Derby, who was several times wounded, made a spectacular escape and eventually joined the King at Worcester where, following Charles's final defeat, he was taken prisoner. After a brief trial at Chester he was beheaded in Bolton on 6 October, 1651. The body was immediately placed in a coffin and taken by his son Charles to Ormskirk for burial, but rested the first night at Haigh Hall.[2] There is preserved at Haigh a very faded contemporary copy of the Earl's last letter to his wife, written on the morning of his departure from Chester for Bolton. As those who have read it will know, it is a beautiful letter.[3] As the copy is in the handwriting of Roger Bradshaigh it seems not unlikely it was made during the halt in the sad progress to Ormskirk.

Immediately after this Roger Bradshaigh went to London, on what business is not known, quite possibly to secure some amelioration of the persecution of the late Earl's family. He interviewed Cromwell and on the 25th secured from him a safe-conduct back to Wigan. This document, with a fine signature of the Protector, is also preserved at Haigh. It is addressed " To all Officers & Souldiers under my Command " and reads :

> These are to require you to permit & suffer ye Bearer hereof Roger Bradshaw of Haigh in the County of Lancashire Esq^re^ with his servant, horses, & accessories, quietly to passe from London to his dwelling att Haigh aforesaid without any molestation. Given under my hand and seale ye 25 day of October 1651.
>
> O. CROMWELL.

During the next two or three years Bradshaigh was much occupied in proceedings with the Lancashire Commissioners for Sequestered Estates. His petitions on behalf of one person or another were numerous, and they were not confined to his own family interests, though some of them were. He was executor to his uncle Sir William Bradshaigh,

[1] *Trans. L. & C. Antiq. Soc.*, xlvii.

[2] See E. Broxap, *Great Civil War in Lancs.*, 203–4 ; Seacome does not mention this incident, but Wm. Pollard in his *Stanley of Knowsley* quotes Edward Robinson's *Discourse*, giving the place as " Wiggan ", thus filling in a blank in Wm. Beamont's edition of that work (Chet. Soc., O.S., No. 62, p. 85).

[3] Printed in full by Seacome.

who died possessed of lands in Kent sequestered for delinquency.[1] He was related to the Andertons of Birchley [2] and Lostock.[3] Frances, the widow of Edward Scarisbrick, was his father's sister ; [4] as also was Dorothy, the widow of Hamlet Massey.[5] He was guardian of Frances, the infant daughter of the late William Lathom,[6] and one of the guardians of Edward, the infant son of Sir Thomas Tyldesley [7] who was killed in the battle of Wigan Lane. He also claimed lands in Popplewell, Yorkshire,[8] and he claimed to be the lessee of certain lands of Sir William Gerard of Bryn,[9] and one of the trustees of the latter's marriage settlement. Frances Lathom he had taken into his own home to be brought up with his own children. In the end the sequestration of the Lathom estates was discharged and Roger Bradshaigh confirmed in the custody and guardianship of the child, but the County Committee was ordered to see that Frances was reared a Protestant.

CHAPTER THREE

THE GREAT SOUGH

NOTWITHSTANDING all the intimate associations with recusants and delinquents indicated in Chapter Two, Roger Bradshaigh was permitted henceforth to enjoy his estates in peace. All these troubles were settled one way or another, mostly in his favour, by 1655. He was then about 28. In that year he settled down in earnest to pursue a task which he had commenced several years earlier, which has been described by the late Lord Crawford as " one of the outstanding engineering feats of the seventeenth century ".[10] He had been carefully developing the cannel mines at Haigh, as is shown by memoranda which still survive. In these early mining operations water was drained from the pits by means of " soughs "—open channels with occasional short lengths of tunnelling. The word was also applied to the adit or eye of the pit, whence it was used as a verb, the coal brought out through the eye being described as " soughed out ". These soughs or drains were often the cause of quarrels between neighbours, as readers of Mrs. Bankes's paper on *Mining in Winstanley* [11] will have noticed. In land where seams of coal

[1] J. H. Stanning, *Roy. Comp. Papers*, i, 228 (Rec. Soc., 24). [2] *Ibid.*, 76.
[3] J. Brownbill, *Roy. Comp. Papers*, v, 72 (Rec. Soc., 72).
[4] *Ibid.*, vi, 50 (Rec. Soc., 95). [5] Stanning, *ibid.*, iv, 124 (Rec. Soc., 36).
[6] Stanning, *ibid.*, iv, 64 ; v, 195. [7] *Ibid.*, vi, 177.
[8] *Ibid.*, i, 233 ; vi, 43 ; these Yorkshire lands are included in the survey of the estate attached to Deed of Wardship (see note 2, p. 9).
[9] *Ibid.*, i, 232 ; iii, 67 ; *Cal. of the Comm. for Compunding*, 1643–60 (P.R.O.), iii, 1722.
[10] *Haigh Cannel*, 6. [11] *Transactions* of the Lancs. & Ches. Antiq. Soc., liv.

are found at various levels the problem of drainage in the early days was more than most owners could cope with, so that pits were limited in size and range. At Haigh the ground rises steeply to a high level in the neighbourhood of Haigh and Aspull where the rich seams of coal were worked in patches. The " Town Pit " to which reference has been made in Chapter One is on the high level. Coal was also reached at various levels of the rising ground commencing at an outcrop at the Wigan Lane end of the Park just above the east bank of the river Douglas. The great Haigh Fault throws the cannel down 500 yards on one side of the estate.

Inspired no doubt by the difficulties experienced in his boyhood, Roger Bradshaigh early conceived the idea of driving a tunnel straight down from the high level to the river Douglas, or rather into a little brook (known locally to-day as the " yellow stream " on account of the colour of the water) in Bottling Wood, which runs a few yards farther on into the Douglas. In this way all danger of the water from the Haigh mines endangering those at Aspull would be removed—a generous-minded and bold undertaking requiring considerable skill and precision in measurement. It was commenced in or about 1652 when Bradshaigh was 25, and completed in 1670 after seventeen years' continuous work. It was immediately called the Great Sough. As finished in 1670 it is more than two-thirds of a mile in length, often very deep, 6 feet wide, and 4 feet high. It is ventilated by ten air-shafts 9 feet in diameter, the deepest being 49 yards, these shafts being originally used for extracting the rock hewn from the tunnel. The greatness of the enterprise will be sufficiently appreciated when the reader is reminded that practically nothing was known of the stratification and faulting, no underground surveys existed, and there were no proper maps even of the surface.

Bradshaigh has left a record of the work in his own handwriting in a quaint and much treasured manuscript known as the " Haigh Colliery Orders, 1635–1690 ". It consists of 74 leaves of paper bound in a piece of vellum originally part of a fifteenth-century missal. The entries are made from both ends, and 45 leaves in the middle are blank. In addition to the account of the Great Sough it contains the " Orders " drawn up by Roger's grandfather in 1636 for the safer working of the coal, to which reference has already been made ; revised Orders drawn up by Peter Shakerley in 1687, then guardian to the third baronet ; and many records of fines imposed on the miners for transgressions against the Orders ; and many signed contracts between the workmen and the proprietors covering the whole period. These miscellaneous memoranda, of great value historically, are fully dealt with by the late Lord Crawford in his brochure on *Haigh Cannel* published in 1933. Our immediate interest is with the description of the Great Sough.

The description appears to have been written following a survey of the completed work and is headed (by way of an afterthought) :

An Account of the condition of the Great Sough from the Brooke neare Bottling Wood to the Maine Delph of Cannell, being in all 7 score Roods and one yard, at eight yds. to the Rood, and for the soughing [of] wch theare hath been 10 Pitts suncken ; one with another being 3 yds wide ; and the depth one with another coming to 300 yards, and two foote, wch I have sunck, besyde the charge of Timber, workmanship, & setting & alsoe boaring, winding the water, maintaining the workmens Tooles, workmanship & setting Timber in many parts of the sough as by al . . . all shall apeare. With observations wheare the [more] dangerous faults in the sough and Pitts are wch ought to be lookit into once a quarter at least ; alsoe observations for (my posterity) what . . . ted Cannell Delfes there are (never before discovered) and what Cannell may be gott in ould Pitts and places laid drye by virtue of the great and chargeable Sough (after above 17 yeares Labor, Charge, and Patience) by the blessing of God finisht, for the good of my Posterity. By me

Roger Bradshaghe
8 Oct. 1670 Aetate sua 42.

Only small extracts have hitherto been printed and with the permission of the Earl of Crawford I now give the record *in extenso*. It is of interest from several angles. Psychologically it is revealing : one can almost see the author's mind working. The close attention to detail and exact measurement is notable. In the absence of geological knowledge the method of trial and experiment is adopted ; and in the course of the work he is learning the nature of dips and faults. It is interesting, too, for the geological information recorded. In the margin throughout are admonitions to those who will follow him, such as " This trench ought to be lookit into onece a yeer at least " ; " Note how this cannell may be gotten " ; " Good Coale " ; etc. The more important are included in the text which follows. Strikes of coal are indicated by a pointing finger. The " account " is as follows :

From the Brooke neere Botling Wood wheere the hedge parts a Park and Partingtons Wood, Great Sough begins with an open trench uncluted over with Stone for 4 roods & a half, (*marginal note* : This trench ought to be lookit into onece a yeer at least) then the first entry in begins under ground wch is to the first [entry] 5 roods and 2 yards. From the entrance under ground to the first pitt is 5 roods and 2 yards, the Pitt beinge 7 yards and 2 foot depe. Note that from the entrance under grounde to the first Pitt the sough is all posted and paived with Timber on one syde wch must bee often looked at. From the first to the second Pitt is 14 Roods, the Pitt beinge 16 yards deepe, the sough betwixt beinge All posted and paived wth Timber upon one syde and the earth cast below.

Take care often.

From the second to the 3d Pitt wch is in Partingtons Wood neare the way is 9 Roods and 3 yards, the Pitt beinge 26 yds and 1 ftte deepe. There is a Row of Posts all through the sough betwixt these Pitts with planks over the head to keepe the topp from fallinge (and must be often lookt at).

Note

That 14 yards from the topp of this Pitt there is a (coale) about 5 qtrs of a yard thicke.

From the third Pitt to the fourth Pitt, wch is in Partingtons field in the Corner next the Gate that parts a park & Partingtons wood, is 11 Roods and 6 yards, the Pitt beinge 28 yards deepe.

Note

That this pitt is covered over with timber layd upon the fast, aboute 4 yards from the Topp and from thence filld up with earth to the Topp. Least that covering should faile with the weight it is necessary to sough it aboute. Now sought about.

From the fourth to the 5th Pitt, wch is in the Parke Hooke next the Gildfors Close, is 14 Roods, and wch Pitt is 29 yards deepe.

Note

That 14 yards from the topp of this Pitt thear is a coale three qtrs of a yard thick, and about two Roods above this pitt in the sough wee weare forced to leave a yard and a half to avoyed an extreame stone.

From the 5th to the 6th pitt, which is the first pit in the Gildfords Close, is 14 Roods, and it is 32 yards deepe ; this pitt is soughd about and filld upp, from the bottom, but theare should bee about half a dozen baskets of stone sent down to secure the mouth of the sough downwards least the earth shoot too farr under downwards and stopp the water. This is now done.

From the 6th to the 7th pitt, which is the second pitt in the Gildfords Cloase, is 15 Roods, and 7 yards, and which pitt is 35 yards deepe.

Note

That a yard and a halfe above the sough in this pitt there is a coale a yard thick.

Note allsoe

that three Roods in the sough downwards from this pitt theare is a faulte of 28 yards length, all timbered, and 3 yards below that again there is another faulte, or softe metle, wch is 2 yards in length and timbered. This must bee often lookit at to preserve and repayre any decay. About two Roods and a half downwards in the sough from this pitt James Glassbrooke did discover a (Cannell) waste, and found Canell in the working above a decayde place of the sough in firmer mettel, it was equal with the bottom of the sough and did ryse towards the lane, wch certainlie leads to Cannell wch wee board unto, in the new earth over against it.

From the 7th to the 8th pitt, which is in Pickhurst, is in length 15 Roods and 5 yards and wch pitt is 38 yards and a half deepe ; this pitt is sough about and filled up. Yet it ought to be secured at the mouth below downwards with a few stones to prevent wrecking downrds.

From the 8th to the 9th pitt, being the first Pitt in the two Acre medow, is 14 Roods, and the depth of the maine sough is 42 yards and a halfe. The reason why wee left the direct line of the sough to come to this place, was because we weare assured of an upper or mounted delfe of Cannell, but 16 yards from the Topp ; soe wee planckt it over and gott Cannell there severall years, and went on with the sough at the bottom also (keeping our fall).

Note

That 5 yards above this pitt is a coale waste, two yards broad wch is timbered. And six Roods and a half above that again there is another fault of soft mettell 3 yards long, but it is timbered with 5 payre of posts. Look often to this.

From the 9th to the 10th pitt, wch is the 2nd in the two Acre Medow, is 13 Roods, 5 yards and a half, and the depth to the maine levell is in all 48 yeards, that is 32 yeards to the levell of the mayne Cannell delfe, and from thence to the sough 16 yeards. See that wee have 16 yeards fall to spare or to make use of as necessity to my posterity shall require. (*Marginal note* : The last sough pitt). Note that this pitt is planckd over at 32 yeards deep and a counter sough driven from thence to the maine delfe which is 4 Roods 2 yeards and a halfe, and from there in the Cannell is a stager hole. Neare the Merle Pitt the maine sough is driven 9 yeards above the last Pitt but the Damp would not suffer us to go to the Cannell. Theare

is another stager hole board to the Cannell a litle on the Right hand from the last Close by the Hooke of the Copy, neare the Ditch wheare theare is an Axle sticke up. Betweene the Sough Hey and the Kilne Medow, neare a young Ash tree wch growes in the hedge, theare is an end wough or wal of Cannell, which bends down towards the copy wood, and theare is an ould Pitt in the Sough Hey, in or against the ould Copy Pitt.

Note

That this wall of Cannell may be drawne dry by fetching or making an ould Gutter deeper from the hard end of this wough of Cannell a little below the yong Ash downwards towards the maine Gutter that leads from the Kilne Medow Pit (on the topp of the West Hill), or ells to make search if it can bee drawne into the ould work in the Sough Hey. (*Marginal note*: I have gotten Cannell for my owne use & may get more.)

Memorandum the 2nd

Neare a place wheare may be perceived a Canell Pitt hath beene at the Topp of the Kilne Medow, a litle below the midle Holecroft, theare is aboute 30 Driftes of Cannell standinge wch was long since left (as is suposed) when that Pitt was over thrown by reason of the slendernes of the Pillars aboute the Pitt Eye, wch caused afterwards these strict Articles wch are now in force in this booke. This Canell may be worth the sincking of a Pitt upon, but (to bee sure it may bee tryed by) working through into the ould Hollowes, and see how it spreads, and what length it is.

Theare is a Delfe of Cannell neare a place calld the Lundy-hole aboute 5 Roods from a litle ebb Pitt in the slack in the heres copy neare the long hurst, it sumps aboute halfe a yarde, and dibbs very much and spreads forward towards the Cow Hey. This is all layd drye by virtue of the Sough.

Theare is a wough of Cannell in the two Acre Medow, at the higher end of the Round Acre neare the turning in the Kilne Lane, and shootes into the Cow Hey as wee supose. And about 4 Roods below the geatte in the new earth the Cannell was board to at 8 yards deepe. And aboute 3 Roods below a Hollin tree in the Cross Kilne Lane Hedge in the new earth the Cannell was board to at 11 yeards, at the end next the Pickhurst. Aboute 3 Roods below an ould Pitt that is in the Lower house ground, next feild to the Gilfords Close, calld Dickinsons Pitt, toward the lower (Kilne ?) Medow theare is a hanging Delfe of Cannell that lyeth all in water and sumps extremely downwards. It is believed it leads to a considerable delfe of Cannell, but if it ever bee draind it must be soughd from the Brooke in Marklands Clough, wch is my land, and there will be noe danger of drayning my neighbor, the dibb goeing towards there; see that theare can not bee fall enough any further.

From the first Pitt in the two Acre Medow, wheare wee gott Cannell at 16 yards deepe, about 2 Roods from the Cross Lane neare a place calld Jewins Pitt, Robert Glassbrooke wrought one day through a Sump towards the new earth and found a Cannell, but was beaten out with water. It sumped soe that the topp of it was equall with the bottom of the Delfe in the Pitt above writen. Robert Glassbrooke, an experienced workman, sayth that hee veryly beleeves theare is Cannell in the Dingle wch lyeth at the bottom of the Hard Feild . . . because of a buss that apeard in wch hee made a litle tryall, but wanted leasure. Let that be enquired into and tryed.

In the 10th Sough Pitt wch is the 2nd Pitt in the two Acre Medow, aboute 4 yeards below the Cannell floare & 25 yeards from the Topp of the Pitt, is a Delfe of good Coale a yard and a halfe thick except six inches of Wind earth that is in the midle.

It is apparent from the satisfaction expressed in the paragraph about

the " wough of cannell " that there was no longer any danger of the water draining into his neighbour's pits, that one of Roger's primary incentives to the boring of the Great Sough was to remove a source of dispute with his Aspull competitor. Though incidentally the work greatly facilitated the exploitation of his own property, the good-will motive redounds much to Bradshaigh's credit. Recognizing, too, that the Great Sough is still in working order after 275 years of use, that the safety of the Aspull mines still depends upon its effectiveness, you will realize that Roger's constant thoughts for his posterity were not in vain. His final admonition is : " Let thear all wayes be care taken to apoynt some persone to goe quite through the Mayne Sough every two Months at least to prevent Decaise in tyme that the benefitt of my 16 years Labor, charge, and patience (which it pleased God to crowne wth success for me and my posteritie) may not bee lost by Neglect." That periodic inspection is still carried out, for if the Great Sough (with its later extensions) were to break down the whole works on the lower level would be quickly flooded.

But the seventeen years' labour is not the end of the story. Annexed to the " Account " are a number of memoranda recording extensions with dates and costs. Here are one or two examples : " I suncke the Wheele Pitt in 2 Acre Meadow 1673 to the Cannell and board downe to the Mayne Sough just 23 ft. The great work of the Pitt house was 167 yeards wch. at 4½*d.* per yeard came to 3*l.* 2*s.* 7*d.*" " I suncke the Pitt in West Hill 1674, and built the wheele and house over it 1675 ; the sincking cost £24–12*s.*–8*d.*". Other incidental costs are then enumerated. Again : " Decemb. the 28th 1674 Richard Jepson measured the difference in the fall of the ground & depth of the Pitts betwixt the oulde deepe Pitt in great Stone Low and the Wheele Pitt in the Two Acre Medow which was as followeth : from the top of the Great Stone Low Pitt to the top of the Pitt in the Two Acre Medow [the Wheel Pit] is 54 yeards, 2 foot and two inches ; the Stone Low Pitt is 62 yeards deepe, and the Pitt in 2 acre medow is 35 and a half [yards] deepe. Soe that theare is 28 yeards and a halfe difference betwixt the dibb of the Cannell in the Stone Low and two acre meadow Pitt " [i.e. the Wheel Pit]. It might be mentioned that the Stony Low Pit was one of Roger's earliest enterprises. It was sunk in 1649 and cost £320 before any profit accrued.[1] It is now a cattle pond. Roger Bradshaigh put every shilling he could lay his hands on into his works so that his comparatively early death and the very early death of his son two years later, left the family's finances a little strained.

None of the drawings or calculations of this work seem to have survived, except one stray sketch plan dated 1677 which shows that the extension of the Great Sough was still going on. The memorandum on

[1] Lord Crawford, *Haigh Cannel*, p. 8 ; Haigh Colliery Orders, fo. 12*r*.

the back in Roger Bradshaigh's handwriting says: "This is the Plott how the Ground lyes wheare a sough must be brought up, if ever any considerable scale of Cannell be gotne in Aspul. Observed and taken by my Sone Roger Oct^br^ the 16th 1677." On the plan itself it is recorded: "By Computation ye best way they can bring ye Sough up through Kindsleys & Lathoms Ground will be 150 Roods, but 200 Roods and more ye other way".[1] Which shows that at the age of 28 Roger the younger was an apt pupil to his father.

The late Lord Crawford several times publicly expressed his opinion that this undertaking was "the greatest engineering achievement in England down to the building of the Eddystone Lighthouse", a judgment to which most readers will be inclined to assent.

The mining operations led to other developments. Roger Bradshaigh may take some small credit in John Dwight's invention of porcelain, for it was at his invitation that Dwight conducted his experiments at Haigh with the clays turned out from the pits. John Dwight, afterwards famous as the Fulham potter, was in his early years "scribe" or secretary to successive bishops of Chester who were also rectors of Wigan. He lived in Millgate, Wigan, from 1663 till after 1687, though he resigned his post of bishop's secretary in 1670 when Bishop John Wilkins brought an action against him for having, as he alleged, injured the income of the rectors of Wigan. The making of pottery ware was one of the industries of Wigan at this time and the ingenious mind of Dwight considered methods of improving the product. His experiments led to his taking out two patents (in 1671 and 1684) for "transparent porcellane and opacous redd and darke-coloured porcellaine". Where these experiments were conducted has long been a matter of speculation, though his residence in Wigan during the appropriate period leaves the locality in little doubt.[2] Furthermore, there is contemporary testimony. Dr. Charles Leigh in his *Natural History of Lancashire, etc.* published in 1700 records: "The most noted clays in these parts are potters-clay, tobacco-pipe-clay, and sope-stone, as the miners call it. The potters-clay is usually blew or yellowish, or a dove or coushant-colour, as the workmen term it; after it is moulded into pots, it is burned in a circular oven, and it is glazed with a slurry, and lead-ore finely powder'd. This slurry is made of a different clay to what the pot is; it is usually reddish, and will run to a glass. . . . I was informed by my ever honour'd friend Sr Roger Bradshaigh of Haigh, that it was upon a whitish yellowish earth, in a field near the Cannell-Pits at Haigh, that Mr. Dwight made his first discovery of his most incomparable metal.[3]

[1] Archiva Lindesiana.

[2] See an article by Francis Fidler ("Romance of Lancashire and Cheshire Ceramic Art") in *Trans. L. & C. Antiq. Soc.*, lii, pp. 67–71.

[3] Pages 56–7; this must have been before 1671.

It will be noticed that Leigh mentions a clay that " will run to a glass ", so it is not surprising that in 1678 a new enterprise was in prospect—the manufacture of glass. Bradshaigh, it is clear, was anxious to turn the waste products of his mining operations to economic advantage, and the conjunction of glass-making clay with an abundant fuel supply presented an inducement to John Blackburne of Westby to establish " glass-houses " at Haigh. Draft articles of agreement between him and Sir Roger Bradshaigh survive [1] according to which he was to have a parcel of land near one of the pits on an eleven-years lease with the option of renewal. He was to be allowed to dig as much clay as he required in erecting his glass-houses. He was to have all the coal from the adjoining pit " to be used and spent in the glass-house or glass-houses to keep on foote the said works of making glass if the said coleworkes shall so long last and continue, or may with any demonstration of clear profitt be continued ". Roger covenants not to sell any coal from this particular pit to anyone else and Blackburne undertakes to buy no other coal. The price was " one peny for every baskett of Cole according to the common measure now used at the Colepitts in Haigh ", the coal " to bee layd upon the Banck only ". That the enterprise was considered experimental is indicated by a clause which permits Blackburne to claim and remove all his buildings and equipment at the end of the lease. This may be the reason no trace of the works now remains.

These mining and commercial operations did not engross either the mental or physical activities of Roger Bradshaigh. He was also an enterprising agriculturalist and personally supervised the tilling of his estate, the planting of orchards, trees, and flower gardens. His efficiency in these arts is attested from several independent records. William Blundell of Crosby, in his journal, notes in 1660 " Sir Roger Bradshaigh limed the hall croft with lime from Clitheroe, which cost about 8*l.* per acre, each horse-load being 1*s.* 10*d.* It hath yielded very good corn since that time, which is now about twelve years since, and is like to continue. One year barley, one year fallow, and one year wheat for the most part." [2] In a diary kept by Roger's son in 1680 there is a memorandum of his work in planting and grafting fruit trees, at the same time noting those which his father had previously set and dealt with similarly.[3] In the appraisal of his estate after his death " corn in the ground " is valued at £97 10*s.*, and " cattle of all sorts " at £365 10*s.*

[1] Archiva Lindesiana. [2] William Blundell, *A Cavalier's Note Book*, p. 87.
[3] Archiva Lindesiana.

CHAPTER FOUR

DEPUTY LIEUTENANT AND CAPTAIN OF HORSE

With the Restoration of Charles II in 1660 Roger Bradshaigh became one of the most important men in Lancashire and entered the field of national politics. He was elected "Royalist" M.P. for the County in the election preceding the Restoration—the Convention or "healing" Parliament which assembled on 25 April, 1660—his fellow-member being another "Royalist", Sir Robert Bindloss, Baronet. He was one of the first to receive the honour of knighthood on Charles's arrival in London. When Charles was informed at Breda that he was to be restored to the throne he drew up a list of ninety-three persons, mostly those concerned in the act of Restoration, and conferred the honour of Knighthood upon them on varying dates between 8 May, 1660, and 17 June.[1] These knights are known as Breda Knights. The day after the last Breda knighthoods were conferred, 18 June, he conferred four other knighthoods in London. One of these four was Roger Bradshaigh.

Sir Roger Bradshaigh was promptly appointed a Deputy Lieutenant of the County of Lancashire, and many busy years in county administration followed. The administration had to be readjusted to the newly re-established royal government and everything had to be changed. Officers had to abjure the oaths taken to the Commonwealth and take new oaths to the King. Persons refusing to comply were discharged from their offices and successors had to be found and sworn, and when the Militia Act [2] was passed early in 1662 the swearing had to be done over again. The kind of procedure this entailed may be illustrated from the Letter Book of William Bankes of Winstanley [3]; "10 October 1662, Thomas Rushton for refusing the oaths and subscriptions . . . is removed and displaced, and Miles Atkinson haveing taken the severall oaths and subscribed the Declaration . . . is restored to place according to his seniority and is now declared the first Capitall Burgess" [of Lancaster]. And again: "Ordered by the Comm^rs for the well governing and regulating of Corporations in the County Palatine of Lancaster

[1] On 8 May a proclamation was made in London and many influential people went to Breda. He embarked on the 22nd, sailed on the 24th, arrived at Dover on the 26th, and reached London late on the evening of 29 May.

[2] "An Act for The Ordering of the Forces in the Several Counties of this Kingdom."

[3] A manuscript preserved among the muniments at Winstanley Hall, described as "Letters, Orders, and Other Transactions of the Militia of Lancashire, 1662–1676" sm.fo., 143 leaves, bound in the original vellum; wholly in the handwriting of William Bankes. Referred to in later footnotes as Bankes L. B.

that Miles Atkinson be declared Town Clerk of Lancaster, and that Mr. Thomas Johnson be removed from the said place." At Preston, 23 October, 1662, the officials and burgesses made the Declaration:

I doe declare, I hold that there is noe obligacion on me, or any other person, from the oath commonly called the Solemn League or Covenant, and that the same was in itself an unlawful oath, and imposed upon the Subjects of this Realm, against the Known Laws and Liberties of the Kingdome. Wm. Banaster, Mayor. Tho. Hodkinson, John Kellet, Baliffs. Ed. Rigbye, Steward. [23 Burgesses]. Sworn and subscribed before us C. Derby, Will. Stanley, Roger Bradshaigh, Ro. Nowell, Allex. Osbaldston, Tho. Bradill, P. Legh, Ed. Rigbie, Will. Bankes, Rob. Fife.

The Militia had to be reorganized, and perhaps this was a more exacting task than any. The whole of this work of readjustment fell upon the Lord-Lieutenant and his Deputy-Lieutenants who met at frequent intervals. Sir Roger was again elected a Member of Parliament for the County in 1661, his fellow member on this occasion being Edward Stanley, brother of Charles, Earl of Derby.[1] In October the same year he was elected Mayor of Wigan and was largely responsible for securing the greatly enlarged new Borough Charter which was granted by King Charles in May 1662,[2] in connection with which the King presented a Sword of Honour to the Borough "for its loyalty to Us" in the Civil Wars, to be carried before the Mayor. The sword, still in use, bears the royal arms on one side and the Bradshaigh arms on the other.

Sir Roger Bradshaigh also received a commission as Captain to raise and command a Troop of Horse and we find him as energetic in his military as in his civil duties. Indeed, in view of the great enterprises on his estate, which we have already considered, one wonders how he found time for it all. One is not surprised to find him writing to Williamson in December 1663 [3] that "the militia is now so well settled that there is leisure for recreation". Bradshaigh was fully equal to his new responsibilities, which he took very seriously, too seriously if the views of some commentators are to be accepted.

That he early had the ear and favour of the King seems evident from the complaint of Charles, Earl of Derby, that Bradshaigh had been endeavouring to secure the appointment of Lord Gerard of Brandon [4]

[1] On the authority of Pink and Beavan; acc. to Burke's *Peerage* Charles was an only son. Edward Stanley died 1664.

[2] The 16th May, not the 29th, which would have been singularly appropriate.

[3] *Cal. S.P., Dom.*, 1663, p. 346; Sir Joseph Williamson was at this time secretary to Sir Henry Bennet (afterwards 1st Earl of Arlington), who had become Secretary of State on the retirement of Sir Edward Nicholas, and was a regular correspondent of Sir Roger's, keeping him informed of what went on in London, whilst Sir Roger reported affairs in Lancashire.

[4] Charles Gerard of Halsall, Lancs. (c. 1613–18 Jan. 1693/4) created Baron Gerard of Brandon (co. Suffolk) 1645; created Earl of Macclesfield 1679; a brave and successful soldier, but a man of uncertain loyalties. He was a grandson

to the Lord-Lieutenancy of the county, which Derby regarded as the hereditary privilege of his line. In a letter dated from Lathom 22 October, 1662, Lord Derby wrote to Mr. Secretary Bennet expressing the hope that "through him he might be better understood by the King, who is led to believe that Sir Roger Bradshaigh and Colonel Kirkby [1] have great influence in the county and because they speak against him". Derby "thinks their opposition arises because in 1660 they tried to make Lord Gerard of Brandon Lord-Lieutenant". Three months earlier the Earl gently rebuked Bradshaigh for communicating direct with the Secretary of State. Sir Roger had written a long letter to Sir Edward Nicholas enclosing information against certain persons suspected of sedition. Ascertaining that Lord Derby was going to London he asked him to deliver it. Nicholas passed the enclosures to the Earl who subsequently wrote to Bradshaigh as follows: [2]

SIR ROGER BRADSHAIGH: Mr. Secretary Nicholas having read your informations advised me to acquaint my Deputy Leiutenants of Lancashire therewith, which accordingly I have done, and to [tell] you that he conceaves you will doe well to binde over to the sizes those that are guilty. What further you know I hope you will acquaint my Deputy Leiutenants therewith. And hereafter you neede not be soe shie as to conceale the arguments of such letters as you make me messenger, if not to send them mee with a flying seale, which will be more mannerly and truly as discreete. However, I thank you for your zeale you express to his Majesties service, which I doe conjecture might bee the occasion for the irregularitie. This is all from your affte. friend

C. Derby.

Derby House [? London] 3d of July 1662.
For Sir Roger Bradshaigh at Haigh in Lanc.

No doubt this incident was the immediate cause of Lord Derby's desire to deprive Sir Roger of his Deputancy, which in turn was the cause of the King's displeasure with the Earl, for annexed to the Earl's letter to Bennet above quoted is a "Statement of the case in dispute between the King and the Earl of Derby relative to the choice of deputy lieutenants for Lancashire. The Earl wishes for Sir Edward Moseley,

(*D.N.B.* says g.-g.-s.) of Sir Gilbert Gerard (of Ince, Wigan) Master of the Rolls and M.P. for Wigan; he was a friend of Sir Roger's uncle, Sir William Bradshaigh, they having served together in the Netherlands, returning to England to join the Royalist army. He rode (as Colonel) at the head of the 1st Troop of Horse Guards on the entry of Charles II into London 29 May, 1660, and performed the same service for William III; he espoused the cause of the Duke of Monmouth and was eventually dismissed from the King's service. It seems that Charles did well not to make him Lord-Lieutenant, his name appears several times in lieutenancy records for not fulfilling his militia obligations. Lord Derby was appointed Lord-Lieutenant of Lancashire and Cheshire in August, 1660.

[1] Richard Kirkby of Kirkby, M.P. for Lancaster 1661–85, a kinsman and close friend of Sir Roger.

[2] B.L.B., 259; both letters are pr. in *Trans. Hist. Soc. L. & C.* lxiii, 132–3.

Mr. Preston, and Mr. Banks,[1] whome the King refuses for reasons named by His Majesty; and his lordship refuses Sir Roger Bradshaigh and Col. Kirkby named by his Majesty".

The King summoned the Earl to his presence in London, which he much resented when he was so immersed in the affairs of the Militia.[2] However, the Earl's animosity to Bradshaigh eventually dissipated, for soon after we find the Earl writing to him in very friendly terms. The Militia Act of 1662 [3] provided for the appointment of Lord-Lieutenants and Deputy Lieutenants charged with the duty of putting the Act into execution. Derby's renewed commission as Lord-Lieutenant, dated 7 July 1662, was followed ten days later with "Instructions" wherein the King "hath thought fit to accompany our Commission to you in that behalfe with these severall instructions . . ." which occupy 3½ pages of foolscap. Bradshaigh's renewed commission as D.L. from Lord Derby is dated 3 December 1662 [4] and later in the same month he received a letter from the Earl dated from Lathom 29 December, 1662 : [5]

SIR. Yesterday I receaved his Majestyes command for a speedy puttinge in execution of a particular Authority conteined in the Stat. for the Militia in order to wch. I hope to have your Company at Lathom upon Fryday morning next; beinge desyrous of your convenience in everything relating to his Majestys service your compliance hearin will not only express your affection to his Majesty but allsoe your respects and kindness to

Yours very affectionate friend
C. Derby

For the Hon^ble^ Sir Roger Bradshaigh, Kt.
One of my Deputy Leiutenants for the
County Palatine of Lancs.

The correspondence between the two continues in this friendly vein, and as far as his fellow Deputies are concerned Sir Roger seems to have been regarded as their leader.

Much information concerning Sir Roger's judicial and military duties is contained in a manuscript now in the possession of the Manchester City Libraries Committee known as "Sir Roger Bradshaigh's Letter Book, 1660–1676".[6] A perusal of it makes it clear that Bradshaigh

[1] Thomas Preston of Holker, M.P. for Lancs. 1664–79; Preston had been a D.L. from 1660. His son Thomas married Sir Roger's daughter Elizabeth, so that it is not likely that R. B. objected. William Bankes of Winstanley (1631–76), M.P. for Newton, 1660, and Liverpool, 1675; he also was a kinsman of R. B. and a close neighbour and friend. The full list of Deputies eventually chosen omits all three names, but both Preston and Bankes were added in the following April; Moseley was not commissioned.

[2] *Cal. S.P. Dom.*, 1662, p. 553.

[3] See footnote 2 on p. 21.

[4] B.L.B., 136.

[5] *Ibid.*, 12.

[6] Designated in these footnotes as "B.L.B.". It contains copies of letters received and written by Sir Roger Bradshaigh in the performance of his duties as D.L.,

CHARLES STANLEY, 8TH EARL OF DERBY.
(*Reproduced from the contemporary mezzotint engraving by A. Blooteling (after Lely) in the British Museum.*)

took his duties very seriously, especially the duty of suppressing sedition, whether it appeared in a directly anti-Royalist form or in a religious guise in opposition to the Act of Uniformity; but it is equally clear that he was guided by a loyalty to the Crown rather than by any particular animus against the nonconformists. The details of the raising and equipment of the Militia as revealed in the Letter Book have been fully set forth in the article in the Historic Society's *Transactions* [1] and it is unnecessary to repeat them here, but Bradshaigh's own part in the activities of the Militia and defence can be more adequately indicated.

As already stated, he was commissioned as Captain in October, 1660, to raise and command a Troop of Horse.[2] Numerous meetings of the Lord- and Deputy Lieutenants were held in various places from 1660 to 1663 to settle the assessments and levies upon the freeholders, and the quotas of men each was liable to provide. Bradshaigh appears to have attended most if not all the meetings and to have taken an active part in the compilation of the assessments and in hearing appeals, which were numerous. On 18 February 1660/61 he was ordered by Derby to take proceedings against defaulters, the warrant reading: "Whereas you are appoynted by the Commissioners to putt in execution the Statute concerninge Musters and manie defaulters have been made. . . ." [3] Eleven names are appended to the warrant, all Roman Catholics or Dissenters: Lord Molyneux, Henry Blundell, the Parsons of Wigan, Ashton, and Halsall, Gilbert and Henry Ogle, Francis Anderton,

with memoranda of meetings, etc., and covers much the same ground as the Bankes Letter Book (note 3, p. 21) as far as military matters are concerned; in this respect, however, the Bankes book has some additional matter. The Bradshaigh book is a small folio of 468 pages bound up from sheets with little regard for chronological order; now in a blue morocco binding lettered on the back "Military History of Lancashire, 1660–1676". It is in the handwriting of several clerks (occasionally Sir Roger himself), but it is by no means a complete collection of the letters occasioned by his office. In the early nineteenth century it was in the possession of Matthew Gregson; on 15 April, 1850, it was sold by Pattick & Simpson for £51 and passed into the ownership of Sir Thomas Phillips and later was acquired by Dr. William Farrer. It was purchased for the Manchester Reference Library along with the other Farrer papers in 1935. Whilst it was in the possession of Farrer a selection of the contents was printed with a commentary in the *Trans. Hist. Soc. L. & C.* lxviii (1911), pp. 120–73. The contributor's name is not revealed, but it is presumed to be the late Mr. John Brownbill who was then Editor of the *Transactions* and joint editor with Farrer of the *V.C.H. Lancs.* The purpose of the publication is the suggestion that Bradshaigh was an intolerant man who used his position of D.L. to persecute the nonconformists.

[1] *Ibid.*

[2] The first Commission from the Earl of Derby is dated Oct. 1660 (B.L.B., 131); it was renewed under the Militia Act 8 Jan. 1662/3 (B.L.B., 135), and again by the Earl of Bridgewater 7 March 1672/3 (B.L.B., 362).

[3] B.L.B., 200.

Sir Ralph Ashton, Bart., Richard Shuttleworth, and Richard Walmesley. The persons concerned, it will be seen, are not confined to Bradshaigh's " division ".

Bradshaigh's Troop was ready for duty early in 1661, and January and February (1660/61) seem to have been very busy months for Sir Roger. In January we find him engaged in examining reports and witnesses concerning an alleged seditious plot.[1] In dealing with these activities against sedition the anonymous Historic Society's writer describes his actions as " forward " and overbearing, and allows it to be inferred that Bradshaigh proceeded in these matters from his own inclination. In printing the documents of the 29 January the writer neglects to notice the King's orders to the Lord-Lieutenant dated 19 December, 1660, and the earlier orders of November and December from the Deputy Lieutenants Committee addressed to Capt. Sir Roger Bradshaigh to take action " by reason of the Plott ".[2] Quite obviously Bradshaigh's authority is derived from these orders.

On 16 February 1660/61 Bradshaigh was requested by Derby to appoint a Corporal and nine soldiers of his Troop to guard the transport of £1,050 being sent to Carlisle " for his Majesties occasions ".[3] Four days later in pursuance of an order from Lord Derby dated the previous day (18 Feb. 1660/1) he issued warrants to " the severall High Constables within my division for callinge my horse to Ormschurch March 1st 1660 " [1661]. The persons listed in the warrant were " to send theire men and able horses well armed to apeare at Ormschurch by twelve of the clocke upon Fryday next and bring with them eight days pay and theare to remaine till further order ". A squadron of his own Troop under Corporal Rigby was to be at Ormskirk at ten o'clock and he was to make a list of those that appeared and " to suffer none to go home without leave ". The occasion for this general muster is not stated, but presumably it was a check on the zeal of the levies. The arms each was to bear is given by Bankes [4] as : " every pikeman a pike of ash not under 16 foot in length, with a back, breast, and head-piece, and a sword ; every musketeer a musket the barrel whereof is not to be under 3 foot in length and the gauge of the bore to be for 12 bullets to the pound, a bandaleer, and a sword ; every horseman to have a back, breast, and pott, the breast and pott to be pistol proof, a sword, and a case of pistols the barrels whereof are not to be under 14 inches in length ; the horse furniture to be a great saddle with a holster and necessary straps, a bit, and a bridle ". A similar general muster was ordered at Lancaster for the 2nd September, 1661. They were to remain " for three days or more if we see cause . . . for exercise, and alsoe to performe other such duty and services as shall be required ".

[1] B.L.B., 198, etc. *Trans. Hist. Soc, L. & C.* lxiii, 129–30.
[2] B.L.B., 19, 204–8, 210. [3] *Ibid.*, 201. [4] Bankes L.B., 18.

This order was at the instance of the Privy Council and is signed by three Deputies. Bradshaigh, apparently, was presumed to be in London attending Parliament, for it is addressed to him at Haigh " or in his absence to Lieut. Oldfield ". Later, on the 18th of the same month, another general muster for exercise was held at Preston; and again on the 24th October a four-day exercise commenced at Preston. Although addressed as before, Bradshaigh was at Haigh on the 4th September when he issued his own orders to the Constables.[1]

It was not long before his Troop was doing ceremonial duty, for on 30 October, 1662, Lord Derby issued an order to him to escort the new Bishop of Chester from Warrington to Wigan, where he was to be inducted as Rector.[2] A meeting of the lieutenants had been held at Upholland on that day and the order recites: " Forasmuch as the intent of this daies meetinge . . . was that you and the officers and soldiers under your command should have accompanied and conducted the . . . Bishop of Chester from Warrington to his court in Wigan, and thereby to express and show your affection to the Church of England and his Lordship's function & person; And beinge yesterday informed that his Lordships arrival at Warrington will bee the tenth day of November next, Therefore I command you upon sight hereof to all and every the officers and souldiers under your command that they . . . personally appeare at Warrington . . . the tenth day of November . . . with theare horses and arms and ammunition. . . ." [3] Whether a volley was fired in honour of the bishop is not stated.

This kind of thing went on for several years. Musters were frequent and police work against persons suspected of sedition was continuous, in which Bradshaigh and his Troop took a leading part.[4] Col. Richard Kirkby wrote to " Honoured Sir Roger " on 15 July, 1662, mentioning a reported rebellion in Lancashire: " . . . yours of the 11th instant reached me in season, for this Towne [London ?] did ringe soe of a Rysinge and Rebellion in Lancashire [that] many friends of mine look't strangely on mee. I would give them no account . . . [except to] assure them noe light matter would seize you, and that you had taken care to bind over the parties suspected and the . . .[5] to prosecute, though I never heard what they weare or for what suspected." [6]

It is almost certain that at least one of the reports of plots was a

[1] B.L.B., 96–9.

[2] George Hall was consecrated Bishop of Chester 11 May, 1662, and was presented by Sir Orlando Bridgeman to the Rectory of Wigan in September, vacant by the ejectment of Charles Hotham (see p. 40 n.).

[3] B.L.B., 110.

[4] The copious citations in *Trans. Hist. Soc. L. & C.* will give a full though somewhat distorted picture of these activities.

[5] The clerk, unable to read the words of the letter, left a blank space here.

[6] B.L.B., 265.

hoax. The date is November, 1662. Lord Derby in Chester communicates to the Deputies an anonymous letter found in the street in Preston and sent to him by the Mayor, Mr. Banister. The writer says he is a traveller and overheard a conversation in a public-house to the effect that the Papists had plotted to murder all Protestants, and that St. Andrew's Day was the appointed day. He says he deliberately joined the plotters to get his information and then wrote it out and placed the letter in the street in order that it might be found, as a warning to the Protestants to be on their guard. "I desire that whoever finds this letter that they doe not conceale it but make it knowne." Though Lord Derby instructed the Deputies to take such action as they thought reasonable, he treats it rather contemptuously. What seems to be a similar hoax consists of two letters without date signed Ann Ba and A.B. which someone had interpreted as Anne Bradshaw.[1] Nothing is said as to how the letters came into the hands of the Deputies. The text of the first is :

Mr. Spary. I have rec'd your ltr & find you very desyrous y^{t} [that] we should proceed, but you must send in money, for y^{t} wee doe want most. You know what my husband had, for our desynge must have money. Our company are increased 300 since I heard from you ; I have sent to Hereford, Gloster, & Wooster ; bee sure to speak with Mr. Blande & Mr. Baxter. Captain Yarrington was at my House and hee will tell you all ; feare not the Bearer ; Shrewsbury hath noticed the day ; Capt. Yarrington will tell you who is sworn as well as us. Any of us, wee shall see mery days, I hope the business will be suddenly done. Burne this ltr. I and my husband. Yrs to the last dropp of Blood

Ann Ba

To her dear friend Mr. Spary
Pastor of Mortley, give this with expedition.

The other letter is addressed to Capt. Yarrington and is in the same tenor. It looks as if someone wanted to get Pastor Spary into trouble. But hoax or no, the existence of such propaganda indicates an inflammable condition of society and is justification for the attitude of extreme alertness by those in authority.

At the end of July, 1663, there was much excitement concerning a projected rising in Yorkshire which had been brewing for some time. On 1 August Col. Roger Nowell wrote to Sir Roger Bradshaigh an urgent note enclosing evidences and indicating the precautions he had taken in the Hundred of Blackburn. The bearer was instructed to wait for the return of the enclosures and Sir Roger's comments. About the same time he received a letter from Col. Kirkby [2] in which he tells him how he had agreed with a certain "Maister Compton" to allow him to compound for his Militia service for £10 a year and requesting Bradshaigh's "resolutions herein per next post". The letter goes on "I presume you have heard how the Deputy Lieutenants at Preston (after

[1] B.L.B., 384–5. [2] *Ibid.*, 122.

you left us there) ordered one fourth of a month's assessment to be collected beside the moiety that then appeared. We designed all Respects to my Lord [Derby] but I heard hee is offended. I have writt to him. Pray write what you knowe of this per next, with the occurrences of this county. This Towne [? London] affords nothing but the talke of our Northern Plott and the Turcks success. For the Plott, be assured you will heare that many will suffer, though I have lesse credit than others because I beleve none in our part of Lancashire are concerned. I neede not invite you to bee active your selfe and importune our friends to be inquisitive. So reste my Brother, Yours most faithful Richard Kirkby." Bradshaigh appears to have called an emergency meeting of nearby Deputies, who met at Bolton 5 August [1] and issued an order " . . . that you forthwith send out your warrants to the High Constables within the severall hundreds and divisions wherein your Horse are raysed that they forthwith issue their warrants commanding all persons charged with horse, men, and armes that they fayle not to have their men, horses, and armes . . . to be in Readiness at one dayes warning if occasion shall require ; and that this notice shall leave them without any excuse upon those faylinge herein . . ." This order is signed by Roger Bradshaigh, Robert Holt, and Roger Nowell—three Deputies being a statutory quorum.

The warnings of the alleged plot from these ordinary sources were reinforced a few days later by a personal letter from the Duke of York to Lord Derby [2] which the Earl circulated to the Deputies (" to be transmitted from one to another ") with his order 14 August, 1663, for the Militia to be in readiness to be called out " with a very short notice ". Bradshaigh's corresponding order is dated next day. If Derby made any comment on Bradshaigh's earlier action it is not recorded. The excitement continued for some months. A group of rebels was reported near Blackburn 3 November and Lieut. Oldfield, the chief commissioned officer of Bradshaigh's Troop, was ordered to get a squadron together and " goe to Capt. Parker of Entwistle and enquire of him and others which way the party of Rebells lately seene at Kighley [Yorks.] are marched, and then to seize upon and disperse them ", to which a post-script is added : " In case it is required you may take the rest of Sir Roger Bradshaigh's Troop and call others to your assistance." [3] Col. Thomas Birch (not to be confused with Col. John Birch, M.P.), who was regarded as the ringleader, was arrested in Lancashire towards the end of October and sent by Bradshaigh to the Earl of Derby at Preston. On 4 November Derby commanded Quartermaster Wearden and three troopers of Bradshaigh's Command to convey him to York to appear before the Duke of Buckingham.[3] Other suspected persons were arrested both in Lancashire and Yorkshire and several were brought before

[1] B.L.B., 123. [2] *Ibid.*, 52–3. [3] *Ibid.*, 239–40.

Bradshaigh in December.[1] The commotion died down soon after and the affair seems to have fizzled out. Other alleged plots, however, came to light during the next two years and Bradshaigh's Troop was kept busy searching for arms and making arrests.

With the outbreak of the Dutch War in March, 1665, the military responsibilities of the Lord-Lieutenant and his Deputies greatly increased, especially as the event coincided with a serious development in sedition. The King, in a long letter to the Lord-Lieutenant dated 4 May, 1665, complains of " the plotts and conspiracies of some unquiet spirits who [since the Restoration] had designed the subversion of the government, and observing to our great greife of minde that notwithstanding all our former pardons and indulgences their yet remaines the same restless seditious spirit amongst some watchinge and fomentinge all occasions to throwe the Kingdome into new troubles, and observinge they now more particularly flatter themselves and their parties with hopes thereof, when they see us ingaged in dispute with our neighbours abroade . . .[2] The letter goes on to give detailed and precise directions for the raising of revenue according to the Statute, its custody, and the payment of the troops. A copy of this letter was sent to the Deputy-Lieutenants " to bee transmitted from one to another with Expedition ".

A letter from the Lieutenancy addressed to Sir Roger Bradshaigh " or his chief commissioned officer of his troop " makes it obvious that sedition had reached disquieting dimensions.[3] It is dated 6 August, 1665, and reads : " Whereas we are given to understand that very many persons of restless and never to be satisfied minds within this county of Lancashire are busie and active in conceiving, Plotting, and broaching a new warre wch. threatens much to the Ruine and destruction of his Majestie and all his loyall subjects, Wee therefore strictly require you upon sight hereof to seize and secure the Persons whose names are hereunto annexed within the Hundreds of Leyland and Amounderness, searching theire houses for Armes, Amunition, seditious papers & Pamphletts, and then bring them before us at Lancaster upon Thursday 31 inst. And likewise that you informe yourselves of all other persons. . . ." More than sixty names are appended, mostly Papists and Dissenters, but including other hostile persons such as " John Massy of Warrington late servant to the late Traytor Lacky or Blood ". This seems to have been a sort of round up of potential " quislings " and arrests went on till December. Far from Derby being lukewarm in supporting these prosecutions, as the anonymous Historic Society writer suggests, he wrote to Robert Holt, 28 December, 1665,[4] expressing

[1] B.L.B., 258.

[2] *Ibid.*, 24–6 ; the spelling, of course, is that of Bradshaigh's Clerk, not necessarily of the original document.

[3] *Ibid.*, 53–5.

[4] *Ibid.*, 59.

satisfaction for his zeal: "I do very well approve of the way you have proposed touching the security of the persons now in custody, desiring you to be very watchful over all others that you conceive notoriously disaffected and when anything of moment comes to your knowledge to communicate the same speedily to" the Earl. Two days later Holt was sending fresh informations to Sir Roger, asking him to set his signature and seal to a search warrant which he (Holt) had "made bould to drawe".[1]

One had supposed that the Defence Regulation whereby a person may be charged with causing alarm and despondency was an invention of our own times; it is therefore amusing to find such a charge being made in 1665. Alex. Johnson, a Justice of the Peace, writes to Bradshaigh[2] "concerning one who had reported false newes, August '65": "In pursuance of your desire I have called before me Robert Barwicke who was charged with Reporting false newes (to wit) that his Majesties Royall Navye had engaged with the Dutch and was totally Routed." It appeared from the examination that one Richard Leigh told Mr. Edward Walmesley that Barwick had given him the information. "And Leigh denyinge that to his Remembrance hee ever spoke the words, or if hee did hee was then druncke & could not tell what he said" Johnson suggested that the best course would be to punish Leigh "according to law" for being drunk as he did not think the major charge could be sustained, but he was prepared to proceed against Barwick and Leigh on the original charge if Bradshaigh considered it desirable. What Bradshaigh decided is, unfortunately, not recorded.

In May, 1666, the King was hard pressed for money to prosecute the war and the Deputies were charged with the duty of securing early or advance payment of the monthly apportionments. What success accrued to their efforts is not clear, but the people were tardy and Bradshaigh was several times urged "to stir them up" to a proper sense of their patriotic duty. Before this was actually accomplished came the invasion scare. For the next two or three months Bradshaigh, like the rest, was engrossed in military musters and exercises. Lord Derby wrote to Bradshaigh 7 June, 1665, as follows:[3]

> In regard that probably there will be very suddenly an occasion to drawe the Militia into a body, I therefore give you timely notice thereof, desireinge you to take care that your Troop may be in Readiness upon very short warning, beinge experienced in your diligence in affayres of that nature.
>
> I remaine Your very affte Friend
> C. Derby

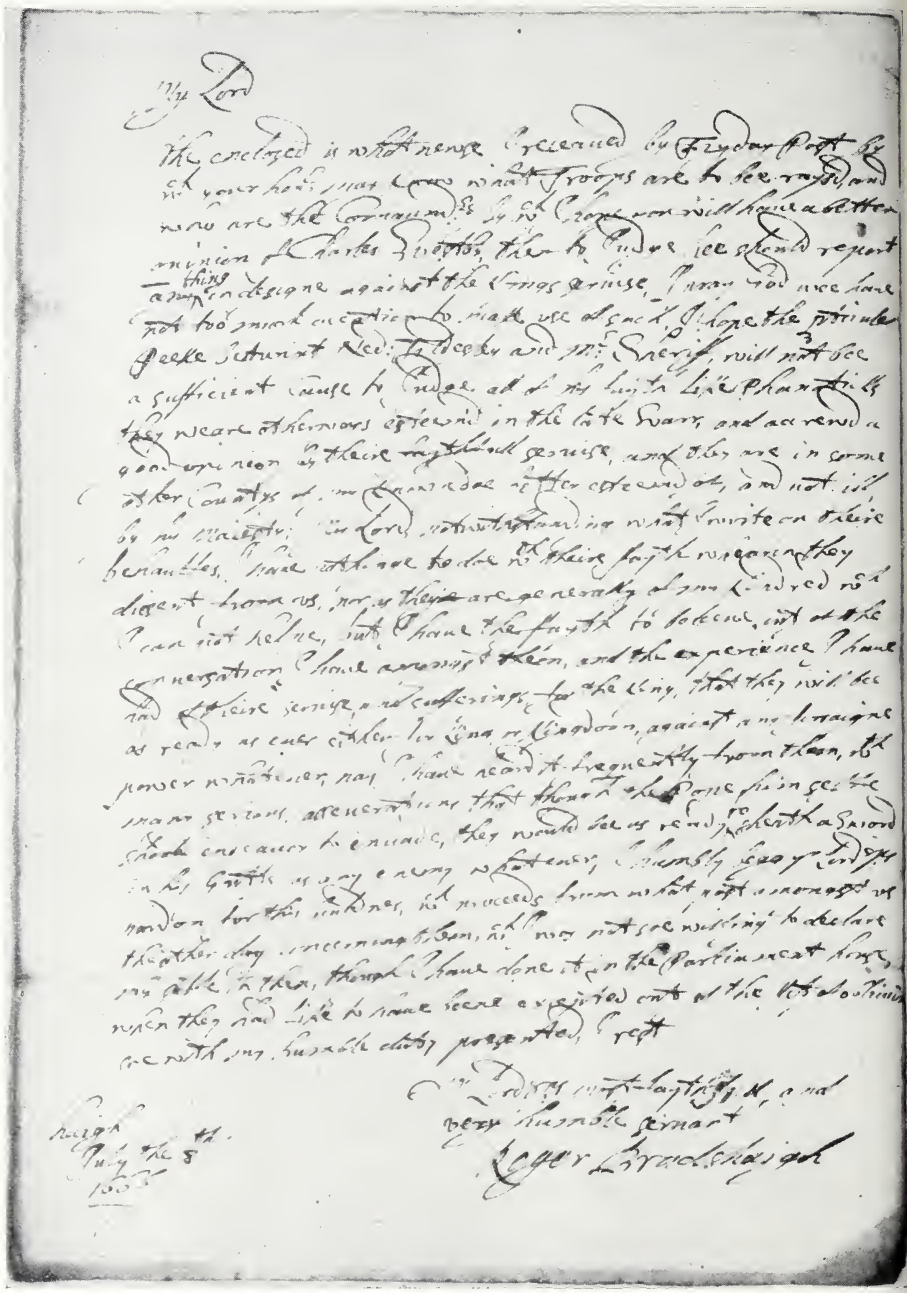
The King's letter requesting the county to prepare against invasion is dated 27 June and the Lord-Lieutenant called a general meeting of the gentry of the county at Preston for the 19th July. At a prior meeting

[1] B.L.B., 60. [2] *Ibid.*, 381. [3] *Ibid.*, 140.

of the Deputies (6 July) at Preston [1] a most exacting survey was instituted to ensure that every person liable paid his proper contribution and furnished the horses and men, etc., due from them. The necessary munitions were ordered, a census taken of armourers' stocks, and a complete list of the Militia was to be drawn up. Captains Sir Roger Bradshaigh, Henry Houghton, and Greenhalgh were ordered to appear at Wigan with their Troops fully armed on the 12th July and with pay for one month. A fourth part of each Troop to be drawn out to be sent away to Northampton. In case of actual invasion warning by the firing of beacons Col. Kirkby's Regiment of Foot and Bradshaigh's Troop of Horse to proceed forthwith to Lancaster; other units to prescribed places. At the Wigan meeting on the 12th 35 troopers besides officers were sent to Northampton in charge of Capt. Houghton "and it was difficult to keep the rest from going".[2] At the meeting of the gentry at Preston on the 19th it was agreed that volunteer regiments of horse and foot be raised in each Hundred, Bradshaigh being made responsible for the Derby Hundred. He was to meet the gentry at Wigan on the 27th and enlist all those offering their service, but they were only to be mobilized in case of actual invasion. By the Earl's invitation on 1st August Bradshaigh was to fill the vacancies in his Troop (occasioned by the contingent sent to Northampton) with volunteers. He had lost twelve troopers, but by 11 September he had enlisted forty local men of good standing to serve with his Troop, including Mr. Christopher Bradshaigh, Mr. Molyneux of Hawkley, Mr. Roger Anderton, Mr. Pennington, the Wigan Recorder, and Mr. Barrow, a Wigan alderman.[3]

In the meantime (17 July) the King sent another communication to the Lord-Lieutenant which has an odd ring of recent events: "Wee have already on different occasions signified unto you the reasons wee had to suspect an Invation . . . by our enemys from abroade . . . the greatest ground for which wee found to have beene a beleefe and expectation they weare led into by some malitious fugitives of our owne subjects of public distractions and insurrections that would breake out amongst us heare at home in which wee hope they will find themselfes far disapoynted . . ." Consequently he goes on to urge a careful round-up of all dangerous persons and a diligent search for arms. This command also gave Sir Roger much to do and kept units of his Troop continuously occupied. Among the particular orders he received from the Earl was a command to search the house of his former ward "Ned Tildesley" who had previously been in trouble for indifference in fulfilling his militia obligations.[4]

[1] B.L.B., 153–63; Bankes L.B., 35–44.
[2] *Cal. S.P. Dom.*, 1666, p. 546. [3] B.L.B., 267–9.
[4] Bradshaigh must have been most disappointed in his ward, for when it was proposed to withdraw a prosecution against him in January 1675/6 he wrote to



FACSIMILE OF SIR ROGER BRADSHAIGH'S LETTER TO CHARLES, EARL OF DERBY, CONCERNING THE ENLISTMENT OF RECUSANTS.

Although the muster at Lancaster was only to take place in the event of actual invasion, when this did not eventuate as expected a sudden trial muster was arranged at Preston. Bradshaigh was informed 16 October that Lord Derby had ordered that " you should immediately raise your Troope of horse, and be at Preston tomorrow with Col. Kirkby's regiment of Foote, which marched hither yesterday at night. Wee doubt not you will use all possible diligence. . . ." Bradshaigh sent a hasty command to the Constables and his officers, and though there is no record in either Letter Book of the rendezvous at Preston, one may be certain that he was there on time.

Exercises of different Regiments and Troops for a period of four to eight days were continuous, and at the end of November the King ordered all Papist recusants to be disarmed to remove any suspicion that they were a source of danger. This caused further military activities, and about the same time Mr. Radley [1] wrote to Bradshaigh: " If Sir Roger Bradshaigh thinks good, if the County must be listed to be in readiness, I would try the Moorish men, who are most dissenting and dangerous, by moveinge who would voluntarily engage, and take notice of the dissenters. I would undergoe that charge if injoyned; all betwixt 60 and 16 should be summoned if thought good."

In June, 1667, the invasion scare was revived. The Privy Council wrote to the Lord Lieutenant on the 11th warning him that a speedy call-out of the forces may be necessary at any moment to repel invasion as " the Enemy already appeareth with a fleet of ships upon the Coast ". He was also ordered to send by the next post a full return of the several troops and companies of militia in the county and a complete list of the names of the commissioned officers. This communication was passed to the Deputies on the 14th for " speedy execution ". In addition to warning his regular Troop Bradshaigh despatched a personal letter to all his volunteers on 15 June as follows:

> Sir, Since you were pleased to offer yourselfe to serve his Majestie as a volunteer to joyne with the Troop under my command . . . these are therefore to desire you that you will so sudaynly provide yourselfe with such horse and armes as may bee fitt for his Majesties service, and to your and my credit, to . . . bee in Readiness (in case I desire your appearance) about the 24th inst. In the meantyme I rest, your Loveinge freind
>
> Roger Bradshaigh.
>
> Haigh, June the 15th, 1667.

On the 16th, however, Lord Derby issued an order to him to appear at Ormskirk with his " Trayned and Volunteer Troopes " at 3 o'clock on

Williamson agreeing that the *nolle prosequi* should be withdrawn, " for I affirm that he is no conformist notwithstanding his former suggestions " (*Cal. S.P. Dom.*, 1675–6, p. 518).

[1] B.L.B., 162; probably William Radley of the Hall on the Hill, Heath Charnock.

Thursday the 20th, fully armed and with specified ammunition and pay for eight days. Bradshaigh evidently considered the notice too short and sent the following notice to his volunteers making the rendezvous at 9 o'clock on Friday morning :

> Gentlemen, These are to desire your appearance with mee at Ormschurch upon Fryday next by nine of the clocke, being the 21st inst., and to bee Ready at the sound of the Trumpet where my Troope will allsoe bee.
>
> I am your loving freind
> Roger Bradshaigh

At the meeting 21 June at Ormskirk a further communication from the Privy Council, dated the 13th, was read informing the Lieutenancy " that before this comes to you it will not be unknowne to you that his Majesties enemies have actually invaded his Majesties Kingdome and burned many houses of his Majesties subjects and destroyed some of his Majesties shipps ", and ordering a general mobilization forthwith, adding : " Wee hope it will not be necessary to continue this trouble longe to the Country." The meeting decided upon certain military dispositions and it was ordered " That Sir Bradshaighs Troope doe forthwith march towards Manchester and there lye till further Order ". A few days later a further communication (dated 25 June) was received from the Privy Council stating " that apprehension of danger being for the present somewhat allayed you are to dismiss and send home the Trayned Bands, Horse, and Volunteers ". Derby ordered a meeting at Wigan 2 July of all Deputies and commands. Derby not being present Bradshaigh reported to the Earl that the troops had been dismissed accordingly.[1] Peace was proclaimed 24 August, 1667.

That seems to have ended the intense military activity for the time being—until 1672 when circumstances again called for a general mobilization. But as the King wrote on 3 July " the speedy Raysing of a considerable army " cannot " bee performed without good somes of money " being expended, and the Lieutenants were requested to use their " utmost endeavours to dispose and quicken all our loyal subjects . . . in a capacity of lending to make a volunterie liberall advance of what soms of money they can afford by way of a loane . . . to bee repayed againe out of the twelve monthly assessment in Course . . ." The meeting to consider this was held in Wigan and another later in the month at Preston and arrangements were made for a personal canvass to secure " his majestie's expectations in a plentiful manner ".[2] The Constable of Rixton refused to execute the warrant in this connection and Bradshaigh ordered his arrest. He was brought before the next Quarter Sessions at Wigan.

[1] B.L.B., 269–76 ; Bankes L.B., 48. [2] B.L.B., 277–81.

CHAPTER FIVE

PARLIAMENTARY ACTIVITIES AND RELIGIOUS CONTROVERSY

After all the exertion traversed in the last chapter one is not surprised to find Bradshaigh pleading in October [1] " urgent occasions " in the county as well as " some distemper " as an excuse for not attending Parliament, which was then sitting, having opened 10 October. He " must run the hazard of his house ere he can come ". However, he went to London soon after Christmas. In February, March, and April he several times appeared before the Court of Judicature inquiring into titles to property destroyed in the Great Fire. First as one of the Trustees of property belonging to Heskin Grammar School, and later with two other Wigan Aldermen in respect of property forming part of Roger Bullock's benefaction to the Wigan Grammar School.[2] He attended Parliament at the same time and remained to the end of the session, 8 May, 1668. He was back at Haigh on the 26th May, when he wrote to Williamson : [3] " Having come home I beg a continuance of our correspondence till his Majesty's commands call us together again." That he should have been so punctilious in his Parliamentary duties is rather astonishing in view of his exacting duties in the county, not forgetting that the work on the Great Sough at Haigh was still in progress. Although I can only find the record of two speeches that he made in the House there are frequent references to his journeys to London. He was present at the several sittings of the first session 1661–2 and made a speech during the debate on the Act of Oblivion and secured the rejection of the clause which would have excluded the Roman Catholics from the benefits of the Act.[4] He was certainly in London during the latter part of the second session 1663 ; in a letter to Mr. Secretary Bennet 11 November, 1664 [5] he thanks him for his letters and " gives him a writ of ease whilst Parliament sits " as he is coming up to London—the session opened 24 November. October, 1665, is a blank month in the Letter Book and it may be assumed he was then attending the fifth session. He was on his way to London 18 September, 1666,[6] for the sixth session which opened on the 21st of that month. The session of 1667–8 has already been noted. He was attending the

[1] *Cal. S.P. Dom.*, 1667, p. 540.

[2] Chet Soc., O.S., 22, p. 374 ; and O.S., 21, p. 251 ; see also G. C. Chambres, *Hist. of Wigan Free Gr. Sch.*, pp. 27, 37.

[3] *Ibid.*, 1667–8, p. 408.

[4] See letter quoted on page 38.

[5] *Cal S.P. Dom.*, 1664, p. 40.

[6] B.L.B., 179.

ninth session which opened 14 February, 1669/70, as there are several letters addressed to him there. One from William Bankes of Winstanley (18th Feb.) addressed " For his ever Hon^ble Sir Roger Bradshaigh Knt, member of Parliament, at the Parliament Door, these " concerns decisions taken at a meeting of Deputies about the Militia; and another from Bankes (15 March) similarly addressed reports a subsequent meeting also mainly dealing with Militia business. Bradshaigh is asked to find out what is the practice in other counties in regard to supplying new coats, etc.[1]

In this connection it is amusing to find that an abuse by Civil Defence personnel in the present war, which led to the order that uniforms were not to be worn except on duty, is anticipated in the seventeenth century. Having received Bradshaigh's reply respecting coats the Deputies record, 18 April, 1670, " That the said soldiers doe wear the said coats frequently at their daily work and soe especially wear them out and call at their polls for new ones ".[2] It was ordered that every private soldier should be provided with a blue coat " for greater decency and ornament " to be worn at musters or on service and on no other occasion, and that in future the coats were to be left at the Polls [enlistment quarters] when the men are not on service.

It was in this session that Bradshaigh made the second speech of which I have found a note. As those who have read the article in the Historic Society's *Transactions* might expect it was in the debate on the Conventicles Bill.[3] Bradshaigh was a strong Episcopalian and had been active against the nonconformists when explicit evidence of disloyal sentiments was forthcoming. There was a good deal of opposition to the Bill, but it was the speech of Col. John Birch which provoked Bradshaigh. He wrote to Roger Kenyon, Clerk of the Peace at Wigan, 3 March :[4]

> " Yours came into my hands in the House of Commons at the same time we weare nearly upon the debate for the second reading of the Bill against Conventicles, and for the commitment of it, my contriman (Black Birch) having newly excused the meetings of such conscientious people, as living farre from the other church, theire

[1] B.L.B., 80–1. [2] Bankes L.B., 72–3.

[3] The " Bill for Suppressing Conventicles " was read a second time on 2 March. The substance of the Bill was that if more than five persons above 16 years of age (in addition to those of the household) should be present at any assembly, conventicle, or meeting under colour or practice of any exercise of religion other than according to the forms of the Church of England each was to be fined 5*s*. (10*s*. for a second offence), the preachers £20 and £40, the householder £20. According to Marvell the bill was forced upon the King by influential gentry as the price of financial support. (See Cobbett's *Parl. Hist.*, iv, 444.)

[4] *Hist. MSS. Comm.*, xlix, 84; *Trans. Hist. Soc. L. & C.*, lxiii, 151.

chappells not being provided ; and particularly instanced the several chappells in Manchester parish, and further added that there could not bee one instance produced that any such meetings had produced any insurrection, or that any treason, scisme, or other contrivance or disturbance to the government, had beene hatched. This made my modestye mooved to speake, and such instances, as I had formerly observed and in my memory had retained, I layd open to the House, with the necessitie for a Bill of restraynt, and what ways to meete with their subtle evations. And theise I affirmed to carry the reputation of Presbyterians in our contry. This made the House to look upon my contriman as sufficiently contradicted in his [Birch's] positive affirmation ; but [it] was at last committed, and is at present under consideration of the Committee now sitting by mee ; indeed the bill will be much more rigid than formerly, and we must be furnisht with more instances to induce the passing of it when it comes to the House. Soe I would desyre you, that you would gather mee what instances you can of insolencys, of scisme, of dangerous words spoken, or any other thing that hath happened, since the Act of Oblivion, worthy taking notice of, to object against them, and I shall not fayle to urge them when time servse. In the meantime, I pray, let the further examination of the business at Gorton Chappell bee taken ; and send mee word what you know of the Chappell called Birch Chapell and their meetings. You shall not need to be named in anything. This I desyre may be done as soone as may, before the Bill come back into the House."

When the Bill passed the Commons on 8 March the petition to the King requested that he would likewise give leave for a Bill to be brought in to put the same penalties upon Popish Recusants " in which vote the Lords unanimously joined ". The suggestion of the writer in the Historic Society's *Transactions* that in prosecuting the nonconformists " Sir Roger Bradshaigh was acting on his own initiative " is not borne out by the orders to the Deputy-Lieutenants which appear in the Letter Book but are omitted from the printed selection. One brief letter from Lord Derby is quoted [1] to suggest that Derby was not in sympathy with the prosecutions, whereas a number of earlier orders calling for speed, diligence, and precision in such matters, sufficiently disposes of the imputation. The footnote giving a quotation from Halley's *Lancashire Puritanism* [2] citing the authority of Newcome's *Diary* for a story that when Bradshaigh complained to Derby of the conventicles near St. Helens the Earl replied " that if he was compelled to enforce the

[1] *Trans. Hist. Soc. L. & C.*, lxiii, 160 ; the year of this letter is not printed, but the enclosure shows it to have been 1669.

[2] *Trans. Hist. Soc. L. & C.*, lxiii.

laws against the Presbyterians he must enforce them with equal severity against the Papists, whome Sir Roger protects", has nothing to support it. It does not occur in the printed portion of the *Diary* (1661–3) [1] and the only references to the Earl in this and the *Autobiography* [2] are of an extremely contemptuous character.

On the other hand, it is admitted that Earl Charles (as also his son William) was aggressively anti-Romanist, and it can be accepted that he considered Bradshaigh too tolerant to the recusants. They had some discussion about it in 1666 when Sir Roger was raising volunteers to repel the expected invasion. Bradshaigh could see no reason why professed Roman Catholics should not be enlisted in the King's service. The Earl, however, was obdurately opposed to the idea. The upshot was that Sir Roger wrote Derby a considered letter on the subject, a copy of which in his own handwriting, is preserved at Haigh.[3] In the course of it he writes :

> I hope the private peeke betwixt Ned Tyldesley and Mr. Sheriff will not be a sufficient cause to judge all of his Faith like Phanaticks [i.e. Quakers and extreme dissenters] ; they weare otherways esteemed in the late Warr and accrewd a good opinion by theire faythfull servise, and they are in some other countys to my knowledge better esteem'd, and not ill by his Majestie. My Lord, notwithstanding what I write on their behalfes, I have nothinge to doe with theire Fayth, whearin they dissent from us ; nor as theye are generally of my Kindred, which I cannot helpe ; but I have the fayth to beleeve, out of conversations I have had amongst them, and the experience I have had of theire servise and sufferinge for the King, that they will be as ready as ever, either for the King or Kingdom, against any forraigne power whatever.
>
> Nay, I have heard it frequently from them, with many serious conversations, that though the Pope himselfe should endeavour to invade, they would be as ready to sheath a sword in his gutts as any enemy whatever. I humbly beg your Lordships pardon for this bouldnes, which proceeds from what past between us the other day concerning them, which I was not so willing to declare myselfe in then, though I have done it in the Parliament House, when they had like to have been excepted out of the Act of Oblivion.

In support of this there is a letter written to him some years later by his kinsman William Blundell of Crosby, in the course of which he says : " When France and Rome itself (upon any civil account or national quarrel) shall chance to be enemies to England, I shall hold myself obleeged, and all other English subjects according to our several capacities, to pay, to pray, and to fight most heartily against them." [4]

Bradshaigh was aware that his attitude in this matter was miscon-

[1] *Chet. Soc.*, O.S., 18 (1849). [2] *Chet. Soc.*, O.S., 26, 27 (1852).

[3] Archiva Lindesiana ; it is dated 8 July, 1666, and is addressed to the Earl at Knowsley ; the letter is an exact copy, even to the address on the outside, below which is the memorandum " A copy of my letter to my lord conc'g his opinions of Recusants in Tyme of Invation by the French."

[4] Margaret Blundell, *Cavalier : Letters of William Blundell*, Longmans, 1933, p. 185.

ceived or deliberately distorted by his political opponents, hence his reluctance on this and other occasions to speak his mind. Yet on reflection his conscience and his loyalty would not allow him to keep silence. Apparently Derby remained unconvinced, for nine days later (17 July) Bradshaigh wrote to Williamson reporting the forwardness of military preparations, and asked "whether Papists may be enlisted without offence, or have commissions in case of invasion. Those in Lancashire have been as faithful sufferers for his Majesty as any other." [1] There are many evidences that Bradshaigh was abused with charges of sympathy for the Papists, yet the testimony of his Anglican as well as his Romanist friends leaves no doubt that he was a sound Church of England man. The most emphatic statement is that of Dr. Richard Wroe, Warden of Manchester Collegiate Church: "His religion was true Protestant; not that of late falsely so called, but that which is by law established, the Religion of the Church of England. . . . Nor did he only take up his religion upon trust, but understood the constitution of it, and acquainted himself with its principles, and studied to defend it, and was zealous to maintain it, and was true to it. So false was that slander (which had no other ground but spite and ignorance) that he was a Church-Papist, a calumny as black as their malice that forged it, and believed onely by them that knew him not. . . . But (God be thanked) the calumnie's long since blown off; there remains nothing of it except shame in them that were so much imposed on as to believe or report it." [2]

Now for a Romanist opinion. William Blundell, writing to his son Nicholas (who was in London, recently returned from abroad), says: "I do write to Sir Roger Bradshaigh, who is now (in town as) a member of Parliament, to let him know of your being in or near unto London, desiring to understand his pleasure whether he will admit you, and I shall acquaint you with his answer. His own religion is such that he is no friend at all to ours. Yet to me and all mine he hath ever been incomparably faithful and loving." [3]

His religious conviction is confirmed by the few surviving books that bear his signature, two of which are preserved in the Wigan Reference Library. Also by his conflict with Charles Hotham, the Presbyterian Rector of Wigan, when Bradshaigh was Mayor of Wigan in 1661. In April of that year Sir Roger received from Charles Hotham a notice "By virtue of a mandate from the . . . Bishop of Chester brought to me this day" (18 April, 1661) that "I doe warne you [and] the Church Wardens . . . that some time beffore the 23 day of this present Aprill you place and settle the Pulpit and Reading pue. . . . Likewise the

[1] *Cal. S.P. Dom.*, 1666, p. 546.
[2] Wroe, *Bradshaigh's Funeral Sermon*, 17–18.
[3] Margaret Blundell, *op. cit.*, 183.

Communion Table and Font in the places where they weare anciently placed . . ." *etc.* The order was complied with, but the "ancient places" decided upon were not the places the Rector had in mind. This seems to have led to some friction between Roger Bradshaigh, the Burgesses, and the Parson, for there are two letters from Nicholas Pennington to Sir Roger indicating a serious controversy.[1] The earlier, dated 30 April, begins: "Honourable Sir, Since yr. leaving the Countie wee have had very strange passages concerninge the Parson, whoe goes all the indecent courses that can be to take away all the Rights and Customs belonginge both to the Towne and Parish; the Dean Ruralls Court was kept att Wigan upon Munday last, before whom he made his complaint, but it tendinge to soe litle profit, that were he not the sonn of his father, he would make no further protestation against us, but tomorrow wee goe to Chester to have a new hearing, and from thence he intends for London, to worck his devices with the Bishopp . . ." Sir Roger is asked to see the Bishop and scotch his plan. The second is dated 7 May and informs Sir Roger that the Parson is now on his way to London, having written "to the Bishopp that the Pulpitt was removed; there is noe such thinge, but as you left it soe it stands, and the parish hath caused a certificate to be drawne with about a 1000 hands to it of the necessitie of it standing there, and the reasons alsoe. . . ."

Some ground for the charges of Romanist inclinations may be found in the fact that his uncle Edward, the Carmelite, lived at Haigh till his death in 1652, and pursued his pastoral activities therefrom; that many of his relatives for whom he had financial obligations were devout Roman Catholics; and from his odd decision in the case of Augustine Heneage, a supposed priest, brought before him in March 1664 on a charge of sedition, and dismissed on the ground that his letter had "no danger in it to the government"[2] His encouragement to the recusants to volunteer for military service in 1666 I have already mentioned.

That Bradshaigh's toleration of the Papists was well known is further shown by a letter to Lord Arlington from Douai, 27 April, 1671, Bradshaigh being the intermediary. Henry (Sanders) Pedley wrote to Sir Roger "at his lodging, the Flying Horse, near the Maypole in the Strand", mentioning his knowledge of Bradshaigh's "well wishes towards the King's good Catholic subjects" and requesting him to present a petition "for his Majesties royal approbation before its presenta-

[1] All three documents are preserved at Haigh, Archiva Lindesiana. Hotham was to have been displaced 29 Sept., 1660, but managed to retain his benefice; refusing, however, to subscribe to the Act of Uniformity he was ejected in 1662 (see G. T. O. Bridgeman, *Hist. of the Church and Manor of Wigan*, pt. III, 474–6) (Chet. Soc., N.S., 17.)

[2] *Cal. S.P. Dom.*, 1664, pp. 511–12.

tion to Parliament". The petition was a request that Pedley might be permitted to return to England. Sir Roger was diffident about sending it on to Lord Arlington.[1]

There is also his intimate friendship with Lord Molyneux, whom he visited frequently ;[2] and his equally intimate friendship with William Blundell of Crosby. T. C. Gibson states that "he was throughout his life devotedly attached to his cousin Mr. Blundell, and performed for him all the kind offices (and they were very many) which a friendly Protestant could do for one lying constantly under the pressure of the penal laws".[3] One of these services was the loan of a large sum of money for the repurchase of the Crosby estate which had been forfeited under the Commonwealth for recusancy and delinquency. "The total amount paid for the repurchase of the estate was £2277–2*s*.–6½*d*., to which the formidable sum £34–10*s*.–2*d*. was added for costs" writes Margaret Blundell.[4] This large sum was found by "two staunch friends". "These friends were his Protestant cousin, Sir Roger Bradshaigh, and a Protestant lawyer, Mr. Gilbert Crouch". She goes on to explain that they negotiated the business in their own names "and they remained the ostensible owners of the estate until the Restoration of the Monarchy took place seven years later." When or how the loans were repaid is not revealed.

Nor was Sir Roger's son free from similar suspicions, for in a letter to Wroe 11 November, 1680, he complains that he is "strangely alarmed with reports" that he was a Papist sympathizer because during his term of office as Mayor of Wigan he had assisted in making "4 Popish burgesses"—"the suggestion is a lye all over".[5] This rather confirms the imputation that the charges had their origin in "spite and malice". Zachary Taylor, who was the Bishop's curate at Wigan from 1685–1704, and held very Protestant views, considered that Bradshaigh's steadfastness to the Church of England, which "he had made by his choice not by his Chance" was aided by the zealous piety of his wife, whose "unshaken resolution" helped to prevent many a shock, with which the friends of his person but adversaries of his faith would otherwise have assaulted him".[6]

Returning to Bradshaigh's Parliamentary activities we find that he did not attend the adjourned 9th session which began 10 January, 1670/1, and his absence had rather amusing results. He was both busy

[1] *Ibid.*, 1671, p. 205.
[2] *Trans. Hist. Soc. L. & C.*, vi, 10.
[3] T. E. Gibson, *A Cavalier's Note Book*, p. 88.
[4] Margaret Blundell, *Cavalier*, p. 41 ; see also T. E. Gibson, *Crosby Records* (Chet. Soc., N.S., xii, 1887), pp. 89–104.
[5] Archiva Lindesiana ; Dr. Richard Wroe was the Bishop's curate at Wigan at this time (1679–81).
[6] Z. Taylor, *Lady Bradshaigh's Funeral Sermon*, 22.

at home and somewhat tired. He appears to have discussed the matter with his friend Col. Kirkby, for on 11 February, 1670/1, the Colonel wrote to him as follows : [1]

" A copy of a lte from Coll. Kirkby concg the apprehending of several persons, by his Mat[ies] Comands.

February the 11th (1670) [1671]

Honorable Sir,

I rec[d] yours for which I thank you. I tould you in my last there would be noe greate danger for your non appearance [at Parliament], But the House will be called on Tuesday next, and fynes at least to double taxe will be imposed. I had noe Excuse for you, But have found one I hope will excuse you. You may prove by the Inclosed I have a dantie Excuse for you. I pray peruse the Inclosed & keepe it to your selfe. You have power enough to apprehend the persons menconed therein in your owne County (if you can take them or any of them). In any other County this will be your warrant to secure them in the County Gaole. If you have any doubts or desires to be Resolved, write to Sir Wm. Morten at his lodging in Serjants Inn in Chancery Lane, he will Resolve you. You can doe the Kinge, perhaps, and your country litle beter service. It will require your best prudence, diligence, and industry to take them, not onely for the causes in the warrant, But as the Attempters of my Lord of Ormond, who deserves every worthy persons respects and service. Theres more in it than I can now write. I pray therefore imploy good spys and intelligences to find them out. Holcroft or thereabouts they may be found. You knowe their relation (I meane Blouds) to that family, and be sure you lay out spyes for such persons as travell often betwixt Lancashire and Yorkshire ; bid them learne what they can, and informe you. But let them concurr and seeme to bee rebelliously inclyned as those [who] frequent these journeys. Be assured I trust you onely by hia Mat[ies] Comand who will kindly accept and acknowledge your service herein. And wish you the honour onely of taking all or any of these Villains. Nay, it may concerne your own safety in the first place. Theres more danger then I dare say. Once more be Dilligent & watchfull and observe the motion of the phanatiques, I pray you if you receive information write to Sir William Morten or me what you observe, & you will from tyme to tyme receive directions. I pray god you may catch some of these Rouges if not all, which will be for your honour & advantage and the greater satisfaction of

Deare Sir Roger
Thy owne
Rich. Kirkby.

Feb. 11 1670/1
For love Duty & service you
knowe what to say and to
Whome. God Bless my Betty

Sir William Morten Knt. one of his Mat[ies]
Justices of the Court of Kinges Bencher
To all Sherrifes, Mayors Bailliffes Constables head boroughes Tythingmen & others his Mat[ies] Officers as well within Libertys as without to Whome theise shall or may come & concerne

---

[1] B.L.B., 444–7 ; Taylor is usually given as Curate at Wigan from 1694, but he occurs much earlier though he held several benefices elsewhere ; he was a local man, being born at Bolton 1653, son of Zachary Taylor, master of Bolton Grammar School.

Anglia R.

Whereas I am Credibly informed that Marke Bloud Thomas Bloud and William Moore stand outlawed for high Treason in Ireland and doe lurke up and downe in this Kingdome of England, Theise are therfore to will & require you & in his Mat[ies] name to Charge & Command you & every one of you upon sight hereof to make diligent search & Inquiry in all suspected places within your severall presincts where the sd. persons may bee found, and use your uttmost Endeavours for the Apprehension of the afforesd. M.B. . . . etc. And them to bringe before me or some other of his Mat[ies] Justices of the peace neare the place where they or any of them shall be taken, To the End they or any of them yt shall be soe apprehended & taken may bee committed to his Mat[ies] Gaole for the County where they . . . shall bee soe taken there to remaine in stricte safe custody without Bayle And speedy notice thereof to be given unto me at my Chambers in Serjants Inn (in Chancery Lane, London) And hereof fayle not at your perills. Given under my hand and seale this 10th February in the xxiii yeare of the Raigne of . . . Charles the 2nd Anno Dom. 1670 [i.e. 1671]

Will. Morten.

Hon[ble] Sir

This day was the House called one [on], and all those who have absented themselves, or departed without the lycence of the house Ordered to be incerted in the Clause in this subsidiary Act to be doubly assessed. I did answer, you were detayned in the County by a particular service to the Kinge, of which my last with the inclosed gave you an Account, soe you weare Excused. But not without particular thankes due from the Speaker, to whome I expect you will write and give him your acknowledgements. My excuse for you was generally admired att. But passed at last without a question, which was singular.[1]

Hon. Sir, I desire you to use your uttmost endeavours to find out these Blouds, and Moore, mencioned in my last, or some of them, and this I have Commission to assure you, though you promise a good reward to them or him, [who] shall apprehend them, My Lord of Ormond will make it good & pay it. I pray be noe lesse dilligente to gett spys of those which travell often betwixt Lancashire and Cheshire and to learne what possible they can, for there is new mischiefe Brewing there then perhapps you imagine, have a care whom you trust, and trust such onely as you may safely. If you prove fortunate in apprehension or discovery of these aforesaid persons, or the design in hand in your parts, twill bee for your honor (and I hope advantage), as for the Kinges service.

Sir my assurance of your eminent Loyalty & particular friendshippe, threw this trouble upon you, knowing your willingness to serve the Kinge and destroy his enemys, soe malicious; besides this gave mee opportunity onely to rescue your name from amongst those who will be stigmatized upon Record for Breach of ther trust of ther County. My service to my Lady, Cosen Betty, & blessinge to Betty.[2] I hope to see you ere longe; to Standish, Wrightington, &., My service.

Thine

From your sonns Chamber Rich. Kirkby.

Feb. 14 1671/2.

Hon[ble] Sir, Yours of the 24th I thanke you for, and have enclosed a description of Bloud which I did allsoe on this day seven-night. My Cosen Roger[3] read your lres as I was with him to see him take Coach at Puttney, he dined with a greate many Cheshire and Lancashire Gents uppon A Invitation of Doctor Smalwood who gave us a noble treate yesterday. Meane tyme aboute 3 of the clocke in the

For footnotes 1, 2, and 3 see page 64.

afternoone the Dutches of Yorke dyed. This day his Maitie is Expected in towne from Newmarkett. The house is now upon the Law bill, And I beleeve we shall rise within this fortnight, since his Matie sent to us to make a recesse on this day senight. I hope to see you soone after our risinge of the House and therefore defer what I have to say till I see you. My Lord Ormond thankes you for your Care, & desires your continuance. Mr. Vice Chancellor gave you an account of what passed concernninge Tyldesley, I shall say noe more, but you may be very well satisfyd with his Maties good opinion of you. My service to your good Lady, Cosen Betty and all my good friends, to Betty my Blessinge, Bro: and Sister Errington present there service to you and are glad you seald your pte. God will reward you for your care of your Betty and her Brothers. Brother Farley doath much obstruct them. I am sory things are not soe fairely carryd amongst soe neare relattions. I thought it a poore satisfaction for my Children, better then to have longe Suite to greate hazard and cost,

Deare Sir I am
Yours
R. Kirkby

London Aprill 1 1671

The House sitt morninge and afternoone and I am called downe into the House

Mr. Blood is a slender man some what inclininge to tallness, a Long leane pale face with pocke holes in it. Small grey eyes and hollow, with a light Browne straight haire.

[Footnote added later in another hand]

This Mr. Blood and his Sone, and Mr. " Moore " weare the persons who attempted to steale the Kinges Crowne out of the Tower and had got it to the 2nd gate. They weare the persons allsoe suspected that assaulted James Duke of Ormond in his Coach and had taken him out to have murtherd him.

Owing to the serious pitch of affairs as a result of the resumed Dutch War Parliament did not meet from May, 1671, to the end of 1672, and Bradshaigh was much occupied in matters of defence, including the impressment of seamen. An interesting point in connection with naval affairs is worthy of notice. On 23 April, 1672, Derby gave a general order to the Deputies and Justices which included " To take an exact account of all Shippes, Barges, and Boats, whether at home or abroade, belonging to the severall Ports, Creeks, and Waters within the County Palatine " [1] with their names, burdens, crews, and owners. It is to be assumed this embraced inland as well as coastal waters.

During his presence in London in February of the following year Sir Roger was admitted a member of Gray's Inn. Presumably this admission, which is dated 2 February, 1672/3, was honorific as he was hardly likely to enter as a student at the age of 45, and he was certainly not " called " ; but there is no other record. Parliament opened on the 4th and continued sitting till 29 March, during which time there was a change in the Lord-Lieutenancy owing to the death 21 December, 1672, of Charles, Earl of Derby. His son William, being a minor, the

[1] B.L.B., 290 ; Bankes L.B., 87.

Earl of Bridgewater was appointed;[1] the former Deputies were reappointed and shortly afterwards (26 April, 1673) eight additional persons were appointed.[2] In August William Bankes wrote to Bradshaigh at Haigh informing him that owing to a change in the county Militia Treasurership there was some difficulty in discovering who was in possession of the funds. "Mr. Jerrom of Liverpoole" was held responsible and Bankes had requested him to call upon Sir Roger to explain the account.[3] The petition of Sir Roger, which was passed to the Lord Treasurer 7 December, 1675,[4] "desiring a certain arrear of £2,200 due to him from one Collins, a receiver" may be an echo of this dispute.

I find no record of Bradshaigh's attendance at the brief eleventh session of Parliament which lasted only from 27 October to 4 November, 1673, but early in November he was again immersed in militia exercises beginning with a general muster at Lancaster 11 November. At this appearance his Troop consisted of nine men from Leyland hundred, eight from Blackburn, thirteen from Amounderness, seventeen from Lonsdale, and four others, a total (not including volunteers) of fifty-one besides officers. The names of those charged and the men supplied are given in the Letter Book.[5]

Parliament reassembled for a new session 7 January 1673/4, but Bradshaigh was again absent on account of his military duties. Col. Kirkby acts as his reporter. There are several letters from him in January. Sir Roger wrote to Kirkby on the 6th February explaining the situation in the county and asking him to forward a letter to Lord Bridgewater and to return him an account of the business. Kirkby, however, did not get the letter till late on the night of the 11th: "Myselfe not being able to bee at the House by reason of my venall distemper hath overpowered mee and confined mee to my Chambers, or rather Bed." He wrote to Bradshaigh forthwith from Grays Inn: "The inclosed to our Ld. Lieut. I could not carry but have sent by a trusty hand. When I know his Lordships further pleasure I shall signifie unto you. In the meane tyme, as I know, nothing must be awanting on your pte to a more plenary discovery; soe I am well assured 'twill bee very satisfactory to his Lordship. I am confident you are well assured nothing can or shall be wanting in my power to

[1] Bridgewater held the post from 24 January, 1672/3 to April, 1676; William, the new Earl of Derby, having come of age was appointed 13 May, 1676.

[2] B.L.B., 359–61. [3] *Ibid.*, 369–70.

[4] *Cal. S.P. Dom.*, 1675, p. 435; apparently a similar situation arose in 1683, since there is a note at the end of the Lieutenancy Minute 19 July 1683 (at Ormskirk) "The Lords Comm^rs of the Treasury have desired the Earle of Derby to examine in whose hands the money remains; and to give their Lordshipps a speedy account thereof" (Archiva Lindesiana).

[5] B.L.B., 364–6.

serve you, when need requires, or your pleasure is knowne. . . ." [1] This cryptic reply is mainly interesting for the light it throws on Kirkby's respect for Bradshaigh; the tenor of it suggests a man held in high esteem, even admiration. The letter goes on: "The great and joyfull Newes is a Pease concluded twixt the Dutch and us, & that you may have it with the greatest assurance, I shall give you his Majesty's owne speech for itt yesterday in both Houses." I omit the actual speech since it is in close accord with the report in Cobbett.[2] After dealing with other business before the House the letter concludes with very cordial greetings. Bradshaigh's enclosures dealt with meetings of the Deputy-Lieutenants, Militia musters, and the proceedings against the Warrington dissenters (a full account of which is given in the Historic Society's *Transactions* [3]) and the examination of Mercer.

The Mercer case was an odd business. The man concerned, Thomas Mercer, a weaver of Abram near Wigan, was arrested at Wigan for debt in November, 1673, and held on suspicion of being concerned in a projected armed rebellion, the grounds of suspicion being an order early in November for nine or ten dozen saddles. Bradshaigh had nothing to do with the arrest or the original detention on suspicion. It was not till the beginning of February, 1674, that the case was remitted to him at the instance of the Privy Council. The writer of the Historic Society's article merely mentions the affair, concluding his notes on "Sedition" with the statement: "After that time [the proceedings against Tyldesley, 1666] there is little notice of sedition, though a suspiciously large order for nine dozen saddles brought a man named Mercer into trouble in 1674; he was discharged after inquiries lasting about two months." Whether intentional or not this brief comment coming at the end of an oblique attack on Bradshaigh leaves the inference that the man was released despite Bradshaigh's efforts to secure a conviction. The fact is the release was due to Bradshaigh himself, and his action in the matter reflects credit on his sense of justice and humane feeling.

The depositions and copious correspondence leave no doubt that there was solid ground for suspicion.[4] The original informations will be sufficient to make the matter clear. Robert Lichford (or Littleford), a Manchester saddler, was examined before John Hartley of Strangeways, a Justice of the Peace, on 22 November, 1673. He averred "that on Saturday the eighth day of November inst. one Tho. Mercer of Abram . . . Garthweb weaver" came to him at his shop and requested "three dozen of Troopers saddles to bee made with Burrs before for carying

[1] B.L.B., 403–4. [2] Cobbett's *Parl. Hist.*, iv, 665.

[3] Vol. xlii; see also F. Nicholson and E. Axon, "Robert Yates, rector of Warrington", in *Trans. L. & C. Antiq. Soc.*, xxxii, 201–23.

[4] B.L.B., 387–408.

Pistolls . . . to bee delivered at Warrington the 26 day of this month, and said hee must have 13 saddles to the dozen & the 13th of each dozen to have a Redd Velvett seat." For the velvet saddles he offered 25*s*. each. The rest were to be " made in Blacke Leather Hogskin if that could be had ". Lichford told Mercer that as he was very busy he could not make the saddles in the time stipulated. Mercer then reduced his demand by a sort of Dutch auction : could he have two dozen ? or one dozen ? or so many as he could make ? Mercer then proceeded to inform Lichford " that about 6 weekes before that tyme hee had sent to one Mr. Fewtrill, an ironmonger of the 3 Crownes in Little Britton [London] 6 dozen of such saddles 13 to each dozen and that they were well liked, and said that these 3 dozen must alsoe be sent to the said Mr. Fewtrill by a Warrington Carryer on Wednesday the 26 instant & that he could give noe longer tyme." On being asked who made the original six dozen Mercer said " they were made by one John Gardner a saddler at Prescott ". When Lichford again refused to make the saddles Mercer urged that William Stockdell the younger of Manchester had agreed to make him one dozen saddles in the stipulated time. The information is signed by Robert Lichford and countersigned by John Hartley and another Justice named Capt. Coramme. Stockdell was examined twice, the second time on 8 January, 1673/4. He admitted that Mercer had requested two dozen saddles and that he had agreed to make one dozen of black leather with green fringes. He stated that Mercer had produced a letter " which contained much money " but was so folded that only the writer's name and address was disclosed. On 8 January Stockdell stated he had delivered the saddles at Warrington as promised, but Mercer " had neither money to pay for them nor would give a note under his hand for payment for them, but wisht they had all beene buried for he had ill Lucke to medle with them ". He then offered Stockdell " Garthwebb and sacking for horse cloaths which should have beene at xxxi*s*. price in part payment of the said saddles." Stockdell, however, refused to let Mercer have the saddles. Blackedge, the Warrington saddler, was also examined on 3 February.

A letter from Henry Fewtrill to Mercer, apparently intercepted, increases the suspicion these transactions aroused. It is written from London and dated 17 January :

> According to your order I payd the 3li. which is in full of all accompts betwixt myself and you. Pray send me a peece of white stript sacking such as the last for I have promised it to a friend & if it be as good as the last I shall send for more.
>
> About 6 weeks or 2 months since I was sent for by an eminent Knight & alderman of our City who asked mee if I knew you. I tould him I did & that was all, for I never saw you but once but had dealt with you for some smale quantity of goods. Hee tould mee that my name was before the King & Councill for that I should send to you for 500 saddles & that if it was conceaved to be upon a popish

account hee tould mee I had been sent for by a Messenger, but he knew mee & and would give them a further account which hee did in a very few dayes & the (y he) ard mee. I am a Lieut. Coll. of the City & have, Please God, a good estate in it & go to the Publicke congregation with my family & receive the Sacrament after the Ordnance of the Church of England. The Raskell I suppose may bee some neighbour of yours to do you a discourtesye, but Please God hee could do mee none I am so well knowne in the City. I never sould a sadle in my life & if I wanted any I have Chapmen in the City & country sadlers that I could send unto.

If you can Pray learne this knaves name that I may cause him to have a jorney or 2 to London to answer for his knavery before his betters. I am in hast & can not stand to inlarge therefore I onely add that I am

Your very loveing friend
defying all knaves
HENRY FEWTRILL

These
for Mr. Thomas Mercer
Weaver at Abram in Wigan
parish in Lancashire.

From Fewtrill's letter it is clear that the Privy Council took a serious view of the matter and the Lord-Lieutenant, Lord Bridgewater, requested Bradshaigh to examine the prisoner. Roger Kenyon, the Wigan Clerk of the Peace, supplied him with the depositions and there is a three-cornered correspondence between Sir Roger, Colonel Kirkby, and the Earl of Bridgewater. Bradshaigh exercised great care in the inquiry, giving it anxious thought, weighing the pros and cons, and taking the prisoner's demeanour into consideration. Eventually he addressed a letter to Bridgewater under date 7 March as follows:

May it please your Lordship,

In obedience to your Lordships commands I have used all Possible meanes to find out the truth [as to the] meaninge of the mans [i.e. Mercer's] bespeaking soe many saddles &, in truth, the Hardship he hath suffered in Prison might be calld a meanes to extorte somethinge from him; than to secure him onely to be forthecominge in case a good ground be found for a charge against him; but the most generall conjecture that is made upon the whole matter is that being plunged into debt in these parts, and (haveinge got Credit) hee Pretended to Trayde alsoe with sadles bought heare; to sell southwards & would have made what money hee could with the soonest, and left his Wife & Children upon the Parish charge; & truly my Lord, if I have not your speedy Order to release him, hee will be utterly famisht. His Wife & Children being already maintayned by the Parish for want of helpe. Wherefore not haveinge gott any word by his confession nor others Examinations I make bould to be an humble intecessor for your Lordships Order to Release him, with which my humble duty presented to your Honour is all at present from

Your Lordships most
obedient servant
ROGER BRADSHAIGH

Haigh March
the seventh
1673 (1674)

The transmission of the letter seems to have been delayed and in the meantime active steps were being taken in London for the prosecu-

tion. On 17 March Kenyon wrote to Sir Roger reporting a communication he had received from Sir Robert Carr,[1] the Chancellor of the Duchy :

Honoured Sir,

I have just recd from Sir Robert Carre a ltre wherein hee writes that he had recd myne which was about what you desired mee to write concerning Merser. He saith he is of opinion that Mercer was ingaged in some very ill desyne & directs that the Examinations be ready against him when the Judge comes through Wigan, or if he be bayled hee saith he doubts not but sufficient Bayle will be taken for him for his appearance before Baron Littleton either at Lancaster or at Wigan. I believe by what he writes the Judge hath some direction about it. . . .

[Kenyon continues that he has difficulty in going to Haigh to see Sir Roger about it personally, but suggests dates and times, and concludes]

I faythfully am, Sir,

Yours to honour and serve you

ROGER KENYON

This turn of events worried Bradshaigh a good deal, but he was relieved a few days later by receiving Bridgewater's favourable reply to his appeal of the 7 March. It is dated from Bridgewater House, 16 March ; and is addressed to " My very much respected friend Sir Roger Bradshaigh " :

Sir, I received the last weeke your ltre of the 10th [*sic.*] present, by which I perceive that by all your endeavours you have not beene able to discover any ill intention in the man that hath beene under suspicion concerning the saddles. I give you most hearty thanks for your care & paynes in that Enquiry and fully agree with you in opinion that since after so diligent & exact search in the business as you have taken care to make you cannot make discovery of any ill designe in the fellowe that might relate to the disturbance of the Peace of the Kingdome, the man ought not to suffer any longer but be released to looke after the maintenance of himself & his family, which it seems his restraint hath been prejudicial to.

I am, Sir, your humble servant &
very loveinge friend

J. BRIDGEWATER

So the affair ended and nothing more is heard of it. Quite obviously if Mercer was guilty of engaging himself in the interest of rebellious parties his motive was purely financial, and his experiences cured him of his misconceived enterprise. Bradshaigh certainly showed a forbearing temper and a largeness of mind in recognizing that no end of justice would be served in further prosecuting the delinquent Mercer. If he was acting for others the publicity effectively deterred them from proceeding with their project—or it may be the conclusion of Peace forestalled them.

[1] Sir Robert Carr (1637–82), knight and baronet, was Chancellor of the Duchy of Lancaster and P.C. 1672–82 ; sometime M.P. for Preston and the County of Lincoln ; he married Elizabeth, sister of Lord Arlington.

The next session of Parliament, which lasted from 13 April to 9 June, 1675, found Sir Roger duly in attendance; and on 3 October Col. Kirkby wrote to Williamson [1] from Preston telling him he was already on his way to London and expected to join a party at Wigan the next day, including Sr Roger Bradshaigh, "and I doubt not we shall kiss your hands before the opening of Parliament"—13 October. Williamson had become Secretary of State for the North. There was no session of Parliament in 1676 and Bradshaigh was early in attendance at the fifteenth session which opened 15 February, 1676/7, for he was on his way to London on 17 January.[2] The first sitting lasted till 16 April, 1677, but did not resume until the following January and whether he was present at any of the sittings is not apparent; but a letter from "Cozen Wm. Bradshaigh" addressed to him at the House of Commons [3] 11 November, 1678, shows he was there for the seventeenth and last session.

As may be expected, Sir Roger also took an active part in the various by-elections in the county. A typical instance was the Liverpool election of 1670 when there were no less than ten prospective candidates all anxious to secure the support of influential persons. Sir Roger Bradshaigh supported the candidature of Sir George Lane, whom "I have the honour to know", and along with Sir Jeffrey Shakerley persuaded the remaining Liverpool Member, Sir Gilbert Ireland, to espouse his interest. However, finding later there was little chance of Sir George being elected and that continued efforts on his behalf would prejudice his relations with Lord Derby and the citizens of Liverpool, Sir Roger gracefully withdrew, somewhat to the discomfiture of Sir Gilbert Ireland.[4]

In April 1676 when William, Earl of Derby, became Lord-Lieutenant, Sir Roger Bradshaigh's commission as a Deputy-Lieutenant was not renewed, probably at his own request, since his friend Col. Kirkby was reappointed.[5] On the other hand, William evinced as much hostility to Bradshaigh as his father had done. He was particularly offended by Sir Roger's staunch support of the Earl of Ancrum as Member for Wigan, and was reported as endeavouring to deprive Wigan of its ancient Court of Quarter Sessions. Bradshaigh continued as a Justice of the

[1] *Cal. S.P. Dom.*, 1675–6, p. 332. [2] *Ibid.*, 1677–8, pp. 511–12.

[3] Archiva Lindesiana.

[4] A. Hume, "Some account of the Liverpool election of 1670, *Trans. Hist. Soc. L. & C.*, vi, pp. 4–1 and appendix of letters at the end of the vol. (26 pp.).

[5] The Deputies' commissions are dated 26 Sept., 1676, and the eight appointed were William Spencer, Sir Robert Bindloss, Bart., Richard Kirkby, Thomas Preston, Alexander Rigby, Daniel Fleming, Myles Dodding, and Curwen Rawlinson. See "Orders from the P.C. to the Magistrates of Lancashire, 1660–1685", MS. vol (78) of the Farrer papers in the Manchester Reference Library. The first five were former Deputies. The list, however, may be incomplete.

Peace and continued also his Command of the Troop of Horse. In 1677 Lieut. Oldfield, his chief officer, gave place to Lieut. Knipe. There is a letter from him dated 10 July, 1677, headed " My Lieutenant William Knype Esq., an acct. of the Muster of my Troope at Lancaster June 26th 1677 ", in which he apologizes for his inexperience and " I hope at the next meetinge wee shall be honoured with your company, which I did heartily wish for the last. . . . I shall be in better capacity to serve you hereafter, which I shall always be ready to doe to the utmost of my power." [1] In October he was reporting to Williamson that the county was " very quiet and peaceable " and that Lord Derby had " resolved to have a general rendezvous at Preston of all the forces of the county ".[2]

Though I have found no note of the appointment it would seem that Sir Roger was restored to the Lieutenancy some time later, for there are copies of several letters at Haigh dated 1683 which indicate as much. One dated 4 April ordering a meeting of the Deputies at Ormskirk is addressed to " Sir Roger Bradshaigh Knt. & Bart., Sir Peter Brooks Knt, and the rest of my Deputy-Lieutenants ". The occasion is a muster of the Earl's Troop and Regiment in consequence of the Rye House Plot and a congratulatory Address to the King was agreed to which is so uncommonly worded that I print the text in an appendix. The author was most assuredly the Earl himself. Another letter from the Earl similarly addressed is dated 14 July, and calls a meeting of the Deputies to consider the King's order " for better securinge the Publicke Peace and preventing Insurrections and Tumults ". A copy of the Secretary of State's letter is appended from which it is learnt that the King's apprehensions had considerably diminished. A complete discovery had already been made of both the " methods intended to promote this insurrection and allsoe the contrivers of it ". His lordship is not to mobilize the Militia, and in searching for arms he is to act very discreetly—" not to seize fowling pieces or weareinge-swords, or any other thing that is trifling ".

CHAPTER SIX

LATER YEARS

High Sheriff—Baronetcy—Personal Character

The second longest Parliament in English history was dissolved 24 January, 1678/9, and Sir Roger Bradshaigh retired from Parliamentary service, though his son and heir Roger became a member for Wigan in the Parliament which opened on 6 March. Two days later, 8 March,

[1] Archiva Lindesiana.

[2] *Cal. S.P. Dom.*, 1677–8, p. 396.

1678/9, the son was knighted, and was elected Mayor of Wigan in the following October. In addition to these events 1679 was an eventful year for Sir Roger senior, for he served as High Sheriff of the County and later in the same year was created a baronet.

Being Sheriff was a costly business as is shown by Sir Roger's account of expenses entailed by his office.[1] The initial outlay for fees, liveries, horse trappings, and incidentals came to £347 14*s.* 10*d.* At the Lent Assizes he spent £325 1*s.* Not the least item was entertainment. For August the bill came to £133 4*s.* 0*d.* and included:

Diet according to contract	£90	–	–
9 Hogsheads of Strong Beare	18	–	–
5 lbs. of Tobacco	10	–	

Similar items occur frequently. He provided glass-ware from his household stock, under the impression, apparently, that it would return; but before the year was out most of it was broken, so that he had to replenish his stock at Lancaster as well as his house.

It was the ambition of Sir Roger's only surviving son, the new Knight Bachelor and M.P. for Wigan, which led to Sir Roger becoming a baronet; he himself disclaimed any desire for the honour. Sir Roger the younger, who was born in 1649, married on the 8th April, 1673, Mary, one of the four daughters of Henry Murray and his wife Anne, Viscountess Bayning. Murray was a Groom of the Bedchamber. On 29 March, 1674, Murray's four daughters (all of whom were married) were granted "precedency due to the daughters of a viscount of England".[2] The social position of Sir Roger junior was thus particularly good, and as he was intellectually gifted and of very presentable appearance, he had anticipations of an influential position in society. That he desired to become a baronet (or perhaps his wife wished it) and had made judicious inquiries as to the possibilities is revealed in an interesting letter preserved at Haigh. It is from the father to the son, who was in London:

Letter written by Sir Roger Bradshaigh to his Son in London, Apr. 8, 1679,

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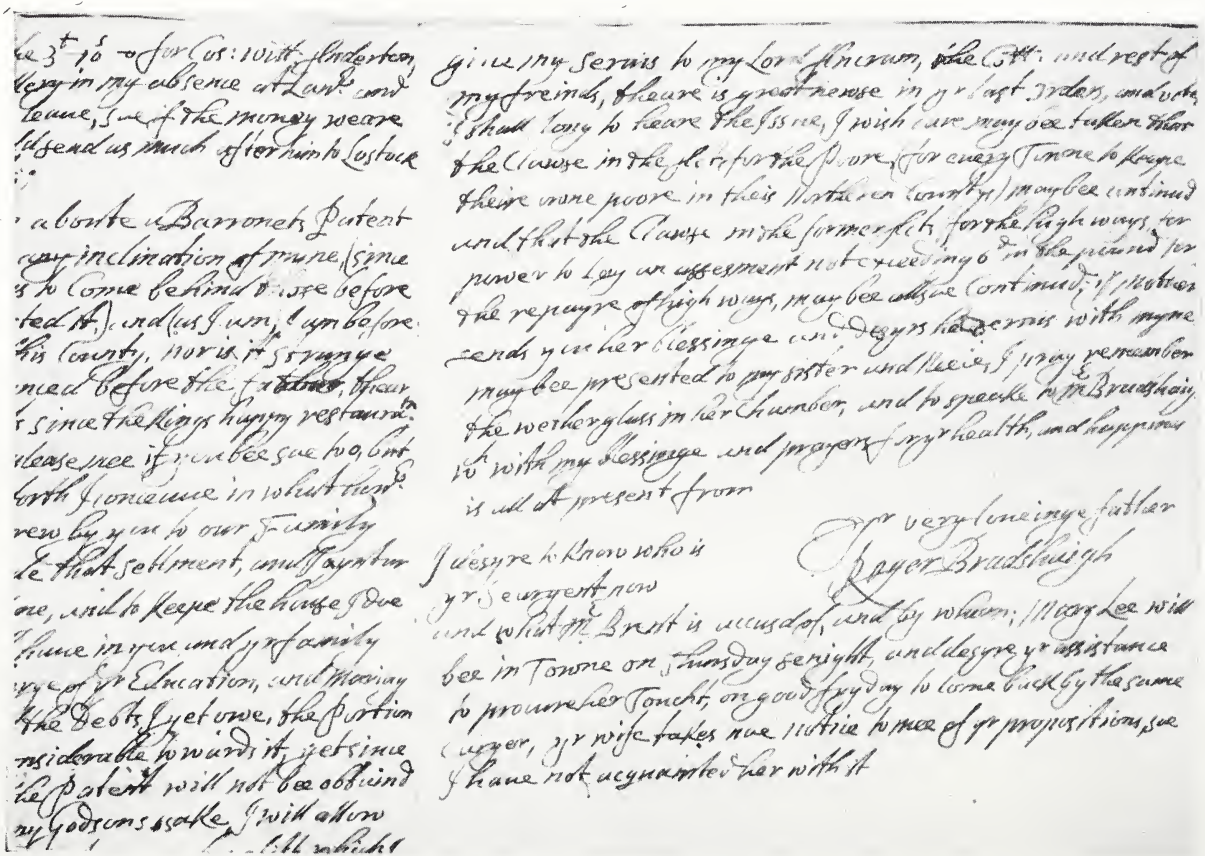
[1] Archiva Lindesiana. G.K.C.'s *Complete Baronetage* (iv) gives the Sheriffate to Sir Roger's son, but this is clearly an error as this document is in the father's handwriting; see also Margaret Blundell's *Cavalier*, p. 213, etc. It is possible that Sir Roger's appointment as High Sheriff caused his retirement from Parliament since "by the Lawes of this Our Realme you are to make your residence in that county (Lancs.) during the terme of your charge". When Sir John Arderne was appointed High Sheriff of Lancashire in 1666 he was granted a special licence from the King to permit him to quit the county on "divers occasions that require your presence in Our County of Chester". This document (from which these quotations are made) is preserved in the Manchester City Reference Library, being loosely inserted in the Bradshaigh Letter Book.

[2] *Cal. S.P. Dom.*, 1673–5, p. 214.



FACSIMILE OF A PORTION OF SIR ROGER BRADSHAIGH'S LETTER TO HIS SON CONCERNING THE BARONETCY.

noted on the back by the Son " My Father's letter wherein he promises to give me £50 towards a Pattent for a Baronett ".

Haigh Aprill the 8th, 1679
the day of yr happy marriage.

Dear Roger,

Some Company will come from Wiggan this day to selebrate the happy marriage and good fortune you had this day 6 years, and a hogshead of wine shall be broacht at noone to that purpose, and we will try a fresh tapp at Jo: Sam in the afternoone.

. . . . . .

Now as to your proposition aboute a Barronets Patent for myselfe. It was never any inclination of myne, (since I had put it off soe longe as to come behind those before whom I might have expected it) and (as I am) I am before all Knights Bachelors of this County. Nor is it strange to have the Sonne advanced before the Father, thear hath beene many presidents since the Kings happy restauration, nor shall it in the least displease mee if you bee soe too, but rather increase the Comfort I conceave in what hon^{r} or better fortune may acrew by you to our Family, otherwayes I had never made that settlement; and Joyntur from myselfe wch I have done, and to keepe the house I doe meerely for the Comfort I have in you and yr family. And yet considering the charge of yr Education, and Marriage, and keeping at London, and the Debts I yet owe [1], the portion I had to myself was inconsiderable towards it. Yet since you seem to hint that the Patent will not bee obtained unless I bee the first, (for my Godsons sake I will allow £50 towards the charge) and not for any benefit which I apprehend by it; or otherwayse doe it for yrselfe, and it shall bee as pleasing to mee, for (God bee thanked) you are in a much better condition to beare the Charge for yrselfe than I am ever like to bee. Soe what I offer is only in case you cannot obtaine the Patent otherwayse, and for little Rogers sake.

Give my service to my Lord Ancram, the Coll [Kirkby] and rest of my freinds. Theare is good newes in yr last Orders, and votes; I shall long to heare the issue. I wish care may be taken that the Clauze in the Act for the Poore (for every Towne to keepe theire owne poore in theis Northern Countys) may been continued; and that the Clauze in the former Acts for the highways for power to lay an assessment not exceeding 6*d* in the pound for the reapyre of haighways. may bee alsoe continued. Yr Mother sends you her blessinge and desyrs her service with myne may bee presented to my sister and Neece. I pray remember the wether-glass in her chamber, and to speak to Mr. Bradshaigh, wch. with my blessinge and prayers for yr health and happiness is all at present from

Yr very loveinge father
Roger Bradshaigh.

I desyre to know who is yr Seargent now and what Mr. Brent is accused of, and by whom; Mary Lee will bee in Towne on Thursday senight. and desyr yr assistance to procure her Toucht, on Good Fryday, to come back by the same caryer. Yr wife takes noe notice to mee of yr proposition, soe I have not acquainted her with it.

The omitted paragraph deals with an impending lawsuit (concerning which I have found no reference) and a few trivial requests. The fact

[1] These debts were occasioned by the work on the Great Sough, and caused considerable embarrassment when both father and son died within a few years—the second baronet died 16 June, 1686; under the marriage settlement the whole of the demesne lands of the Manor of Haigh, excepting the Hall and the coal mines, were assigned as jointure to the young wife, together with several other properties, to the total annual value of £460.

that the proposal for a baronetcy came from the son is especially interesting as at least two genealogical works state that it is uncertain whether the honour was conferred on the father or the son. It was the father, a fact on which the baronetcy books agree. The Warrant bearing the King's signature (written and signed by Lord Sunderland) intimating that Sir Roger is to be created a Baronet, and requiring a " Bill " to be drafted giving effect to the King's will is dated 3 September, 1679. The date of conferment is 16 November, 1679. Young Sir Roger stuck to his bargain and in a personal diary notes that the cost of fees for the patent was £201 5*s.* 10*d.* plus £81 13*s.* 4*d.*, and he compares this (£282 19*s.* 2*d.*) with the total cost to Sir John Bowyer in 1662, which was only £118 4*s.* 6*d.*

The postscript reference in the above letter to Mary Lee of Haigh going up to London to be touched for the King's Evil is particularly interesting. Only two years later Sir Roger junior was writing to Roger Kenyon : " Yesterday my brother [in-law] Preston with my sister and his girl, went home for Chester in order to a journey to London to-morrow . . . his daughter's too apparent symptons of the Kings-evil occasions this sudden motion, and he is advised by us all here to goe too, or that it may not be amiss for him to prepare his way to the King before the next terme . . .[1]

In October, 1681, Sir Roger senior was again elected Mayor of Wigan. He had always taken a keen interest in borough affairs as Alderman and now that he was retired from most county as well as national responsibilities he devoted himself to local administration and the affairs of his estate. Any contentious problem in the town's business was referred for his advice. The appointment of Laurence Anderton as Town Clerk in October, 1682, gave rise to a situation in which Sir Roger's influence with the Crown was important.[2] In 1683 the Rye House Plot evoked his old enthusiasms. On receipt of the royal Proclamation he " appoynted the privie session and inserted part of it in the warrant with strict orders to sett watch and ward for the vilains in all my divitions ".[3] And I think we can see his hand in the Wigan Corporation's loyal address to the King congratulating him on his escape. It is the first of thirteen addresses (and the longest) which appear in the *London Gazette* for 13 August, 1683 (No. 1851), and begins :

> " To the King's Most Excellent Majesty
> The Humble and unanimous Address of the Mayor, Recorder, Aldermen, Bayliffs, and Burgesses of your Majesties ancient and Loyal Corporation of Wigan, at the Common-Hall there assembled, July 10, 1683.

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[1] *Hist. MSS. Comm.*, xlix, 136.
[2] *Cal. S.P. Dom.*, 1682, pp. 357, 450, 523, 525–6.
[3] *Hist. MSS. Comm.*, 161.

SIR ROGER BRADSHAIGH, KNT. AND 2ND BART., M.P.
(*From the portrait at Haigh Hall by Mary Beale.*)

MARY, LADY BRADSHAIGH.
(*From the portrait at Haigh Hall by Mary Beale.*)

Dread Soveraign,

When we heard of the late villanous Conspiracy against the life of your Majesties Sacred Person . . . contrived and carried on by Factious Republicans and Fanatick Zealots, we were not more astonished at the Horrid Treason than deeply affected with the bounty of Divine Providence, which so seasonably discovered the designs of Blood and Treachery, and so happily prevented that dismal Confusion which such Barbarous Attempts had inevitably involved the Nation in."

There are five more paragraphs, and such phrases as :

" When we sometime since laid at your Sacred Feet our just Abhorence of that Cursed Association which apparently gave birth to this wicked Conspiracy "

and

" The Dangers your Majesty is exposed to by the restless Malice of Fanatick Sectaries and Seditious Conventicles "

seem to point directly to Sir Roger's authorship. It has a colour of its own which none of the other addresses tries to emulate.

Though he had himself " been sensible of his declining condition a great while " few others had suspected it. He fell ill whilst visiting his brother-in-law at Chester and died there on Easter Monday, 31st March, 1684. His comparatively early death at the age of 56 was a great loss to his family and the community.

His character as a man will bear the closest scrutiny. That he possessed considerable intellectual endowments is, I think, proved by his engineering, business, and administrative achievements. He was something of a scholar as well as a man of action ; he possessed a fair library, his books at his death being valued at £40. He was generally regarded as a fine soldier.[1] The strength of his personality is apparent all through his career. His ascendancy in the Lieutenancy is obvious. The deference paid to him by his fellow-Deputies cannot be ignored, and in the end Lord Derby himself is more than anxious to suit his convenience. When Bridgewater became Lord-Lieutenant we find his lordship's Secretary, Mr. John Thompson, looking to him as the leading personality. Thompson acted as clerk to the Lieutenants' Committee and it was suggested that he should receive an honorarium for his services. Thompson addressed several letters to Bradshaigh respecting this and one dated 7 October, 1673, begins : " Worthy Sir, As you are the principall person on whom I relie I am necessitated to give you trouble extraordinary, and one post after another torment you with my letters . . ." [2] which not only reveals Sir Roger's standing, but also his great kindness. He was generous and hospitable and ever heeded

[1] In 1853 Dr. Abraham Hume wrote (*Trans. Hist. Soc. L. & C.*, vi, 11), " He was well known as a good soldier and a man of very charitable disposition."

[2] B.L.B., 307.

the calls of the poor. His loyalty to his friends is an outstanding characteristic and there are many evidences of kindly actions which must, in many cases, have given him a great deal of trouble. His friendship and aid to his distressed kinsmen and others who suffered through their adherence to the Roman Church caused him as we have seen, to be held in considerable suspicion, yet his sympathies were so well known that when, in 1681, a distress was threatened against a certain widow Pennington in Wigan for non-payment of her recusancy fines, she was told "if she pleased she could send to Sir Roger Bradshaigh to advise with him".[1] George Fell of Swarthmore secured his aid in a petition to the King for the restoration of his estate forfeited by his mother "for embracing the fanatical opinion of the Quakers"[2] his mother still living, "obstinately adhering thereto", which shows he had no animus against the Quakers as such as has been alleged. A manuscript note on Lord Crawford's copy of the Bradshaigh funeral sermon is particularly revealing; "My grandfather Seddon was driven from Easham and Grappenhall, sequestered and imprisoned, during which time this Sir Roger entertained my mother and 9 children; he got him Penwortham where he preached with common prayer for ten years of the usurper Cromwell's reigne, & by a loyall, good, and kind gentleman Mr. Fleetwood of Penwortham, after the Act of Oblivion, was restored to his parsonage of Grappenhall againe." In 1675 Sir Roger writes to Roger Kenyon from London: "The King's Preachers business is done, and I have got a pension for a poor woman in Wigan."[3]

That he had great pride in the descent and importance of his family need not be doubted, and he thought highly of the merits of his son. He was not above the convivial pleasures of society. He entertained largely at Haigh, indeed he was rarely without distinguished company there. His family parties were continuous, "My son[in-law] Preston and his family have been here this 5 weeks and I hope will stay past Christmas . . . and next week cozen Will. Bradshaigh, and some gentlemen will be here out of the Bishoprick, soe while I have Haigh I shall have company".[4] The Chancellor (presumably of the Duchy) and Vice-Chancellor were frequent guests. When in London a mild carousal was occasionally indulged in: "Yesternight a company of us rejoiced at 'The Fleece' and upon Tuesday night the Chancellor, with some such select bad company as myself, tossed off the Florence wine at Sir John Otway's Chamber, and both the Chancellor and his coach did me the good fellowship's office to set me down at my lodging about 12 a.m. This night I, with Sir John, Mr. Fleetwood, and others, take

[1] *Hist. MSS. Comm.*, xlix, 128.
[2] *Cal. S.P. Dom.*, 1664–5, 161. [3] *Hist. MSS. Comm.*, xlix, 101.
[4] Letter to his brother-in-law, Sir Jeffrey Shakerley, 18 Nov. 1681 (Shakerley Papers).

the other tusle at the 'Dog' in Palace Yard; how that Dog bites you shall hear in the country. . . ." [1]

He was fastidious about his clothes. In November, 1671, he writes from Haigh to Roger Kenyon, who was in London, "pray send me word what you observe to be the newest fashion for this winter's clothes and belts; I would rather have it from you than my tailor".[2] In November, 1666, he sent Williamson "a suit of buttons, and appurtenances, such as are now much worn with the new garments." [3] At his death his apparel was appraised at £50 value—not necessarily a Beau Brummell but a man who had conscious regard for his appearance. There is little recorded of his inclinations in sport—one imagines he had little time for it—though his son took much interest in horse-racing. That he enjoyed hunting is evident from the list of "bugle notes for the hunt", in the handwriting of John Scott, Sir Roger's huntsman, and countersigned by Sir Roger, in William Blundell's "Hodge-podge" or commonplace book. The notes and meaning of seventeen calls are given.[4] Like other country gentlemen he occasionally attended a cock-fight. One anecdote is worth repeating: "A Man of 88 years lately undertook to run a race of 14 miles near Preston with one of 68, giving him a mile start; the old man ran stoutly for seven miles, but seeing the other a mile before him gave it over, though it is thought he would have won had they started together." [5] Witchcraft aroused his scepticism. He reports to Williamson in January, 1666 (*inter alia*), that he "has examined four reputed witches; one confessed that she, her father, and mother, each rode on a black cat to Warrington, nine miles off, and that the cats sucked the mother till they sucked blood. He has little faith in this, though given on oath, and has sent two of them to gaol" [6] —evidently on the principle that anyone who would swear to such occurrences could be guilty of anything!

Sir Roger Bradshaigh's funeral evoked a great demonstration of public sorrow and more than one elegy in verse has survived, whilst the funeral sermon preached by Dr. Richard Wroe was regarded by many as the most eloquent of the preacher's career, and the reputation of "silver tongued Wroe" in this respect was a high one.[7] I have read the sermon myself and fully agree with the contemporary judgement. To give the reader an example of this masterpiece I quote the passage wherein he pronounces upon the manifold virtues of the late Sir Roger:

[1] Letter to Roger Kenyon, 11 Dec., 1675, *Hist. MSS. Comm.*, xlix, 101.
[2] *Ibid.*, 90. [3] *Cal. S.P. Dom.*, 1666, p. 266.
[4] Wm. Blundell, *A Cavalier's Note Book*, pp. 198–200. The editor, Rev. T. E. Gibson, comments, "This seems to have been inserted in 'Hodge-podge' by Sir Roger Bradshaigh."
[5] *Cal. S.P. Dom.*, 1664, p. 26. [6] *Cal. S.P. Dom.*, 1666, p. 225.
[7] See Chet. Soc. No. 8 (O.S.), p. 30 n.; also *Richard Wroe* by James Clayton, in *Transactions*, L. & C. Antiq. Soc., xxxvii, 67–90, especially p. 74.

I will not detain you with everything that may be said, nor trace his character through all the relations he stood in; as in his domestic capacity and government, wherein was remarkable the chasteness of his conjugal love, resembling the shrine of two tapers lighted with but one flame, the goodness of a father's care, and the sweetness of a master's rule. But I am loth to touch on this, being too tender a theme for you to hear or for me to enlarge upon. I will mention his hospitality and good housekeeping; plenty and welcome were never wanting at his table; no man entertained both acquaintance and stranger with greater freedom and affability.

I am loth to omit his kind and obliging temper, which made him always grateful and acceptable; and the generous kindness and cheerfulness of spirit which was always discernible in him towards his tenants, dependants, and followers. And what was kindness towards all was charity to everyone that stood in need of it, for he had not only a cheerful heart, but a liberal hand when any just occasion called him to stretch it out. I have oft been the witness of his forward bounty, provoking others by the example of his own cheerful liberality.

His personal qualifications I cannot at large decipher. I will not instance the negative virtues: that he was not submissive to those vices which are incident to persons of place and plentiful fortune; nor to pride and censoriousness; nor to violence and oppression. No, . . . it is easy to acquit him from fraud or malice, from injury and injustice, from ignoble and dishonest designs, from reach and circumvention; but *privati et plebeii hominis est ut vitio careat*—but even a mean and ordinary person may be free from vice, but those that exceed others in place and quality should outstrip them too in what is excellent and commendable. I will therefore insist on two things for which he is to be honoured, and I hope will be so in a long and precious remembrance among all good men: his Religion to God, and his unshaken Loyalty to his Prince, which were equal and uniform through his whole life." [1]

Of his family life I would add but one more brief quotation uttered eleven years later at the grave of his wife: "I will say nothing of her conjugal affection to *that great man* whose relict she was; she hath left a lasting monument thereof which will survive hers as well as his funeral." [2] And to conclude I quote the first two stanzas of Samuel Shaw's elegy:

What mean these echo'd groans, and panic fears,
And showers of tears?
Why does a gloomy fog choak and destroy
Our Easter joy?
Why one day public mirth and on the morrow
As public sorrow?
What is the stroke, whence is this mourning bred?
Alas! the Great, the Good Sir Roger's dead.
In Loyal veins if Loyal blood ere ran:
This was the man.
Did Love and Peace, 'mongst mortals ever rest?
Here was the breast.
Did Justice ever dwell with humane state
Here was its soul, here was its seat.

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[1] Richard Wroe, *Righteousness encouraged . . . in a sermon at the funeral of the worshipful Sir Roger Bradshaigh of Haigh . . .* London, 1684.

[2] Z. Taylor, *Sermon preached at the funeral of Lady Bradshaigh.* London, 1695.

If Heart and Tongue true unisons e're were :
Then it was here.
And hath the Virgin-Church a true-bred son ?
Then this was one.
Does Charity once in an age appear ?
She took her lodging here.
And yet this Loyal, Loving, Peaceful, Just,
Sincere, Kind, Genuine, Son must yield to dust.

APPENDIX

I

Abstract of the Will of Roger Bradshaigh, grandfather of the 1st Baronet, who died 1641

Roger Bradshaigh's Will dated 17th April 1641 :

To be buried in his chancell at Wigan Parish Church in the corner between his son James and the wall, also his wife and daughter-in-law, with an appropriate tomb of stone.

Leaves ten pounds to the poor of Wigan Parish (four pounds to Wigan Town per Mayor and Aldermen), £3 to Standish and other small sums to Blackrod and other townships.

Leaves property to his executors to satisfy the claims of Anne his grandchild, da. of James his late son who died indebted (through certain estate purchases mentioned) for more than the whole of his personal estate was worth. To his sister Mabell Goodiar £20 ; his sister Anne Royle £20 ; his da. Dorothy Massy (widow) £10 ; his grandchild Annie Massy £10 ; " to every one of my said daughter Masseys children which shall bee living at my decease 11/– a peece " ; " to every one of the children of my late daughter Jane Blundell wch shall be living 11/– each " ; " To son-in-law Edward Scarisbrick & daughter Frances his wife guinea piece in gold ; their children still living 11/– each ; brother Alexander B. £5 to be bestowed in plate with Roger's arms & name thereon ; Brother-in-law (Emmine) his wife (Jane) guinea piece in gold ; their children living 10/– each ; to Cousin John Poole of Poole, Co. Ches., and niece Dorothy his wife a two guinea piece in gold each ; all household servants half a years wages ; to son William B. & his wife guinea each for rings ; 10/– to each of his other surviving sons ; to each acting executor two guineas ; to servant Raphe Wayte £20 ; to servant Thomas Lathom £20 ; Daughter Dorothy Massey to have the keepinge of my house and gardens, walks, orchards, courts, and foulds, and the benefit and pleasure thereof " & a close called Longshoote " and a sufficient allowance for keeping one gardiner and weeders untill such time as my grandchild Roger Bradshaigh shallbe able to manage them himselfe " with allowance for repairs, etc. " I doe entreat my said daughter Massey to bringe upp my said grandchild Anne Massey accordinge to my mynd being paid by my feofees for her use for the same. Alsoe my mynd and will is not to have anie funeral but to bee buried in the night and as fewe blacks given as may bee for I think it sufficient to give to my children and grandchildren by my sonne James Bradshaigh and to my sister Katherine now dwellinge with mee Blacks at the discretion of my executors." Remainder to him who shall be next heir ; to his Cousin Thurstan the £5 odd which he owes testator.

II

Abstract of the Settlement made in connection with Marriage of Roger Bradshaigh, afterwards 2nd Baronet, 1673

Indenture made 16 May 25 Charles II, 1673, between Sir Roger Bradshaigh of Haigh, knt. and Dame Elizabeth his wife, Roger Bradshaigh, Esq., son and heir of Sir Roger, and Mary his now wife being one of the daughters of the Hon. Anne Murray of the parish of St. Paul in Covent Garden co. Middlesex, widow of Henry Murray Esq. dec. and one of the sisters of the Rt. Hon. Paul Viscount Bayning, and one of the coheirs of the Rt. Hon. Lady Anne Countess of Oxford dec., who was the surviving daughter and heir of the said Paul Viscount Bayning, of the first part; the said Anne Murray, Sir John Baber knt., and Thomas Littleton Esq., of the Inner Temple, of the second part; and Sir Jeffrey Shakerley of Hulme co. Chester knt., Edward Fleetwood Esq. of Penwortham co. Lancs., and Thomas Norris of Speke co. Lancs. Esq. of the third part. "Whereas there hath been a marriage solemnized between" the said Roger and Mary this indenture witnesseth that in consideration of the sum of £2000 paid by the said Anne Murray and in consideration of the settling of several manors, lands. & tenements upon the said Roger and Mary after the death of the Rt. Hon. the Earl of Oxford, and in performance of the articles of agreement dated 7 April 1673 between Sir Roger Bradshaigh, Anne Murray, and Mary; and Sir Roger Egerton of Betley co. Staffs. and Roger Bradshaigh for the provision and Maintenance of Roger and Mary and for a jointure to be made for the said Mary in case she should happen to survive her husband Roger out of the messuages, lands, tenements, etc., of the said Sir Roger, and for settling and conveying all the manors, etc., in such manner as is hereinafter declared, and for other good causes and considerations. They covenant and agree with Sir John Baber and Thomas Littleton that the said Sir Roger & Elizabeth & Roger shall in due form of law at the next Lancaster Assizes acknowledge by Fine & Recovery all the Manor and Lordship of Haigh and the capital messuage and mansion house called Haigh Hall and all the demesne lands etc thereof, namely the Nearer Hall Croft, the Middle Hall Croft, the Further Hall Croft, the Seven Acre, the Little Stonelow, the Little Stonelow Meadow, the Long Stonelow, the Great Stonelow, the Finch Moor, the Croft or Rent of John Low, the Further Barn Hey, the Nearer Barn Hey, the Further New Hey, the Nearer New Hey, the Hill, the Lower Moor, the Further Geirsley, the Nearer Geirsley, the Taylors Geirsley, the Horse Coppice, the Kilne Meadow, the Horse Hey, the Two Acre Meadow, the Hall Croft, the Cow Hey, the West Hill, the Little Horse Coppice, the Rough Hey, the Long Hurst, the New Earth, the Ridearth, the Great Lodge Croft, the Little Lodge Croft, the Park, the Great Gilfords Close, the Little Gilfords Close, the Pickhurst, and the Haslehurst, approximately a total of 500 acres, all "now in the tenure of the said Sir Roger Bradshaigh". And all other messuages, tenements, etc. in Haigh namely the Milne House in the occupation of Christopher Bradshaigh uncle to Sir Roger, the Slitting Mill in the occupation of William Brook, and all

the several messuages in Haigh in the several tenures or occupations of James Fairclough, Ralph Monnks, William Latham, Andrew Urmston, Jeffrey Pennington, widow Lee, William Curghey, Thomas Winstanley, Miles Aynscoe, Ralph Rothwell, Thomas Rothwell, Roger Ricroft, James Partington, widow Smart, Roger Lee, John Low, widow Wayte, Edmund Kellett, Miles Grimshaw, John Kingsley, Francis Heaton, James Redford, John Finch, John Cowper, John Greaves, Richard Whittle, widow Whaley, Roger Cowper, William Johnson, William Fairbrother, John Leyland, widow Marriah, widow Morris, John Lowe, John Taylor, Roger Lee, Thomas Greene, William Southworth, Thomas Entwisley, Thomas Low alias Rothwell, and Richard Jepson. Also the water corn mill in Haigh called by the name of the New Milne. Also messuages, houses, tenements, etc. being in the town and borough of Wigan in the occupation of Edward Letherbarrow, Thomas Bullocke, Jonathan Walton, Gilbert Lanshaw, Hugh Platt, John Leach, Charles Lee, James Belcha(w), Jeffrey Wood, Thomas Letherbarrow, Oliver Whaley, John Markland, John Low, James Hollingheade, William Lanshaw, widow Forth, and one water corn mill in Wigan known as the Wild Mill in the occupation of Sir Roger. And all other houses, buildings, stables, gardens, orchards, " cannell, stone, and other mines ", fishing, boonservices, rectories, advowsons, etc. etc. It is covenanted between the parties that immediately after the Recovery is executed all the DEMESNE lands (as specified above) with the messuage called the Lower House with its lands and appur. and the Mill House with lands etc., and also the Forge and Slitting Mill and the lands and tenements therewith, and all meadows, orchards, etc. etc. of the demesne EXCEPTING the " Mynes of Coles, Cannell, and Stone " (and, of course, the mansion house of Haigh Hall with its appur.) shall be " to the use of the said Roger Bradshaigh for the terme of ninety and nine years from henceforth next ensuing and fully to be compleat and ended if the said Roger Bradshaigh shalle soe long live ; and from and after the termination of that estate to the use of the said Mary his now wife for and during the tearme of her naturall life for her joynture and in lieu and full satisfaction of her Dower, subject nevertheless to the declarations, powers, provisoes, and agreements hereinafter mentioned and expressed. And after the determination of the estates hereinbefore lymited to the said Roger Bradshaigh and Mary his wife " then to the use of Sir John Baber and Thomas Littleton their heirs etc. during the lives of Roger and Mary or the longest liver of them in trust to preserve the contingent uses and remainders. And after the decease of Roger and Mary to the use of their first legitimate son and the heirs male of the said son. Remainder to the 2nd, 3rd, 4th, 5th, 6th, 7th, 8th, 9th, 10th son successively, and every other son, and their heirs male. Remainder to the heirs male of Roger, Remainder to William Bradshaigh (cousin) in the co. of Durham, Esq, and his heirs male. Remainder to Christopher Bradshaigh, his uncle, and his heirs male. Remainder " to Alexander Bradshaigh, late of London, merchant taylor, brother of Roger Bradshaigh Esq. grandfather of the said Sir Roger Bradshaigh, party to these presents " and his heirs male. Remainder to the right heirs of Sir Roger Bradshaigh forever.

And as concerning the manor and lordship of Haigh and its rights etc.

and Haigh Hall with the gardens, etc and all the residue of the properties not included in the immediately foregoing agreement, the coal mines etc excepted, to the use of the said Sir Roger during the term of his natural life, and after his decease to Roger his son and heir and to the heirs male of the same Roger. And in default of such issue to William Bradshaigh (? of co. Durham) and his heirs male. Remainder to Christopher Bradshaigh and his heirs male. Remainder to Alexander Bradshaigh and his heirs male. Remainder to the right heirs of Sir Roger.

And as concerning the mines of coal, cannell, & stone, to Sir Roger for his life and after his decease to the use of Sir Jeffrey Shakerley, Edward Fleetwood, and Thomas Norris, their heirs, etc. during the term of 500 years from henceforth upon trust according to the agreement hereinafter specified; and after the termination of the 500 years then the said Roger Bradshaigh and his heirs. Remainder to William, Christopher, and Alexander Bradshaigh successively. Remainder to the right heirs of Sir Roger. The said Trustees to devote out of the rents, profits, etc of the mines to the use of the said Dame Elizabeth Bradshaigh after the death of Sir Roger £200 per annum for the term of her natural life. And if she should die before him and Sir Roger should marry again then the £200 per annum to his second wife during her widowhood. And they are to raise at their discretion and pay the sum of £2000 to Elizabeth the daughter of Sir Roger for her portion, or to such person or persons as the said Sir Roger shall in writing in his last will and testament shall direct. And they shall similarly raise a further sum of £2000 for the benefit of the daughter or daughters of the said Roger and Mary, as Roger shall by writing direct in his will. "Provided nevertheless and it is the true intent and meaning of all the parties to these presents that it shall be lawful to and for the said Sir Roger Bradshaigh at all and every time and times during his natural life to enter upon the said demesne lands and other premises limited to the said Mary for her jointure" for the purpose of exploiting the coal mines, making soughs, felling timber, etc. And after Sir Roger's death a similar freedom to the Trustees. And it shall be lawful for Sir Roger to make leases. And after Sir Roger's death a similar power to Roger.

It is agreed that the present yearly value of Mary Bradshaigh's jointure is £460.

Sir Roger to allow Roger and Mary maintenance of a fit and proper character. Roger's allowance to Mary to be £100 a year, and when Roger and Mary come into the reversion of the Earl of Oxford's estate the allowance to be increased by £50. It is also agreed that Sir Roger and his son Roger or either of them stand seized of an indefeasible estate in the said Manor and all its appurtances etc.

III

To the Kings most sacred Majesty
The humble address of the Lord Lieutenant,
Deputy Lieutenants, & Militia Officers in the
County Palatine of Lancaster.

May it Please your most Excellent Majestie :

There is a tyme to keepe Silence & a tyme to Speake. There never was a tyme which soe much overcharged our hearts with astonishment & abhorrence, our hearts are full & must speake or breake. Wee want not the tremblinge integrity of those Eleaven who asked the Master " is it I ", nor can wee stay til your Majestie aske the zealous John's Question, " who is on our Side."

Wee come, haveing first beene att Heaven with thanksgiveinges, most humbly & sincerely to Congratulate Your Gracious [Majestie on your] Majestie's and your Dearest Brother's safeties and Deliverances from the Violence & Cruelty of fanatick tratorous Conspirators, & wee Profess in the Presence of God wee will always come with our swords, with our Lives in our hands to interpose to our Power betwixt Your Majestie & all dangers, upon this Horrid Conspiracy, upon any, Yea upon Every Occasion, to preserve your Majestie's Royall person, your government as now established, Your heirs and Lawfull Successors, & we trust wee shall soe Principle our Posterity to be of that faith which can never be false to the Crowne.

The Deliverances of David were scarce soe many and so signall, as your Majestie's. God heare & hereafter make you happy, give you a Longe & Prosperous Reign, & continue the succession of the Crowne of your Kingdoms in your Royall Line as a Blessinge to Posterity & to

Your Majestie's most Loyall & most
faithfull obedient Subjects.

Footnotes to page 43 (*omitted by accident*) :—

[1] Sir Roger seems to have been more fortunate than his brother-in-law, Sir Jeffrey Shakerley, on a later occasion. Shakerley pleaded ill-health, but on the day his excuse was presented Sir Roger received a letter from him inviting Sir Roger to join him at a Cocking in Lancaster. This letter had been shown (" as a jest ") to Sir John Hanmer, who revealed the fact ! (Lady Newton's *Lyme Letters*, p. 73.)

[2] Sir Roger's daughter.

[3] Sir Roger's son, the 2nd baronet.

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